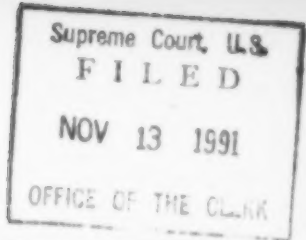


EDITOR'S NOTE

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LODGING

No. 118, Original



IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATE OF ALASKA

LODGING OF PERMITS AND DISCLAIMERS

CHARLES E. COLE
Attorney General
State of Alaska

JOHN G. GISSBERG
Assistant Attorney General
P.O. Box K
Juneau, Alaska 99811
(907) 465-3600

KENNETH W. STARR
Solicitor General
Department of Justice
Washington, D.C. 20530
(202) 514-2217

148 Pk

Name of Project	Disclaimer Issued Date	Permit Date
1. Ventura Highway, California	02/19/70	02/25/70
2. East Cameron Jetties, Louisiana	08/31/70	12/04/70
3. West Dock Alaska (Phase I)	**	07/16/74
4. West Dock, Alaska (Phase II)	**	01/08/76
5. West Dock, Alaska (Phase III)	12/01/80	01/02/81
6. El Segundo, California	09/12/83	***
7. Endicott, Alaska	05/03/84	***
8. Holly Beach, Louisiana	02/25/85	02/25/85
9. Red Dog, Alaska	**	10/23/85
10. Cape Nome, Alaska	**	05/21/86
11. Cape Nome, Alaska (Permit modification)	**	11/04/86
12. Pea Island, North Carolina	06/28/89	06/22/89
13. Pt. McIntyre, Alaska	06/19/90	***
14. Collier County, Florida	07/13/90	04/05/90
15. Folly Beach, South Carolina	07/19/91	(not required project done by Army Corps)
16. Wainwright, Alaska	10/23/91	pending
17. Barrow/Browerville, Alaska	10/23/91	pending

** no disclaimer requested

*** not retrieved from files or archives in time for first lodging

1. Ventura Highway, California

a. Disclaimer 02/19/70

b. Corps Permit 02/25/70

RECORDED COPY
STATE LANDS DIVISION
FBI State of California 95814
W-3914

AGREEMENT

Pursuant to Section 6301.7 of the Public Resources Code

WHEREAS, by virtue of its sovereignty the State is the owner of certain tidelands and submerged lands within the State;

WHEREAS, the State Lands Commission, pursuant to Section 6301 of the Public Resources Code:

"...has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State..." ;

WHEREAS, the Department of Public Works, Division of Highways, in accordance with Section 101.5 of the Streets and Highways Code, has requested a right-of-way from the State Lands Commission for and for the protection of State Highway Route 07-Ven-101 which will entail the placement of approximately 2,800,000 cubic yards of fill on tide and submerged lands along the coast of the Pacific Ocean between Seacliff and Mussel Shoals, Ventura County, as shown on Division of Highways Map Nos. 19579c, 19580c, and 19581c on file in the office of the State Lands Commission;

WHEREAS, the proposed fill and construction of a freeway thereon could affect the location of the three-mile offshore ownership boundary of the State separating outer continental shelf lands of the United States from tide and submerged lands owned by the State of California;

WHEREAS, the United States Supreme Court in a Supplemental Decree in United States vs. California (Original No. 5) entered on January 31, 1966, decreed that the offshore ownership of the State boundary is located three geographical miles seaward from the nearest point or points on the "coast line" and that the term "coast line" means in part: (1) the line of mean lower low water on the mainland, (2) that line as heretofore or hereafter modified by natural or artificial means, and (3) the outermost permanent harbor works that form an integral part of the harbor system within the meaning of Article 8 of the Convention on the Territorial Sea and the Contiguous Zone, T.I.A.S. No. 5639;

STATE OF CALIFORNIA
OFFICIAL BUSINESS -

-1-

Printed and mailed to
the Commission
Pursuant to Government
Code Section 6103. NO TAX DUE

1 WHEREAS, the State of California maintains that in the area of the
2 proposed fill the offshore ownership boundary of the State is located three
3 geographical miles from structures which qualify as outermost harbor works
4 within the meaning of the Convention, while the United States contends that
5 the offshore ownership boundary of the State in the area of the proposed
6 fill is located three geographical miles from the line of mean lower low
7 water and that the proposed fill and freeway would correspondingly move the
8 offshore boundary seaward which in turn could cause jurisdiction over sub-
9 merged lands previously held by the United States to be relinquished to the
10 State of California, and to which the United States objects;

11 WHEREAS, such objection may be removed if the State of California agrees
12 to waive any change in the boundary between State-owned submerged lands and
13 outer continental shelf lands of the United States;

14 WHEREAS, Section 6301.7 of the Public Resources Code provides:

15 "The commission may negotiate with, and with the approval of the
16 Governor, may enter into agreements with the United States, or any
17 official, agency, licensee, permittee, or lessee thereof, concerning
18 the effect, if any, of any then existing or proposed or projected
19 fill, dredging, or construction operations or other activities on or
20 adjacent to tide and submerged lands within the County of Ventura
21 upon the boundary between state-owned submerged lands and the outer
22 continental shelf lands under the jurisdiction of the United States,
23 or concerning the location of such boundary. Such agreements may
24 include, but are not limited to, a waiver on behalf of the State of
25 California of any state-owned submerged lands which would otherwise
26 inure to the state as a result of any such fill, dredging, or con-
27 struction operations, or other activities. The commission shall,
28 before entering into any such agreement, find that such agreement
29 is in the public interest."

30 WHEREAS, the State Lands Commission at its regularly scheduled meeting
31 on January 7, 1970, found and resolved:

32 "that the execution of a waiver on behalf of the State of Cali-
33 fornia of any State-owned tide and submerged lands which would
34 otherwise inure to the State as a result of a deposition of a fill
35 in the waters of the Pacific Ocean, Ventura County, for State
36 highway construction is in the public interest in that the con-
37 struction represents an economic savings to the people of the State,
38 as opposed to other alternatives."

39 NOW, THEREFORE, by virtue of Section 6301.7 of the Public Resources
40 Code, the State by and through the State Lands Commission and with the
41 approval of the Governor waives on behalf of the State of California any

1 State-owned tide and submerged lands which would otherwise inure to the
2 State as a result of the deposition of a fill for and for the protection
3 of State Highway Route 07-Ven-101 on tide and submerged lands between
4 Sealcliff and Mussel Shoals, Ventura County, as shown on Division of Highways
5 Maps Nos. 15879c, 15880c, and 15881c on file in the office of the State Lands
6 Commission. This waiver shall be effective upon:

- 7 a. Receipt of written notification from the Bureau of Land Manage-
8 ment, U. S. Department of the Interior, or other appropriate
9 federal agency that the United States withdrew its objections
10 to the fill area.
11 b. Receipt of authorization for the fill from the United States
12 Government.

13 This agreement is solely a waiver of the effect, if any, of the place-
14 ment of the fill and construction of State Highway Route 07-Ven-101, as
15 shown on Division of Highways Map Nos. 19579c, 19580c, and 19581c on file
16 in the office of the State Lands Commission, on the offshore ownership
17 boundary of the State of California and is in no way an agreement as to
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1 the location of that boundary by either the State of California or the
2 United States.

3
4 Accepted:

5 UNITED STATES OF AMERICA

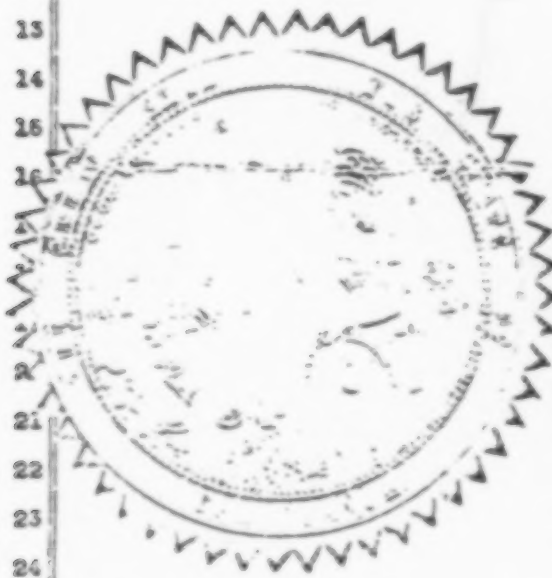
STATE OF CALIFORNIA
Acting by and through
STATE LANDS COMMISSION

6 By Walter H. Hudd

7 By J. J. Mortig
8 J. J. MORTIG
Executive Officer

9 Date JUN -4 1970

10 Date 2/19/70



11
12
13
14 IN APPROVAL WHEREOF, I,
15 RONALD REAGAN

Governor of the State of California
have set my hand and caused the Seal
of the State of California to be
hereunto affixed pursuant to Section
6301.7 of the Public Resources Code
of the State of California. Given
under my hand at the City of
Sacramento, this, the 23 day of
February in the year of
our Lord one thousand nine hundred
and seventy.

16
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24 Ronald Reagan
Governor of State

25 Attest:
26
27
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30
31
Secretary of State

TOP. L. H.

APPROVED AS TO FORM:
THOMAS C. LYNCH, ATTORNEY GENERAL
By: Warren J. Abbott
Deputy Attorney General

RECORDED AT REQUEST OF
AT 10 MIN. PAST 11 A.M.
OFFICIAL RECORDS OF BUTTE COUNTY
JUL - 6 1970

Robert L. H.

CONFIRMED COPY
FREE

DEPARTMENT OF THE ARMY

NOTE.—It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. ~~It merely expresses the assent of the Federal Government so far as concerns the public rights of navigation.~~ (See *Cummings v. Chicago*, 185 U.S. 410.)

16-10100-2

PERMIT

U. S. Army Engineer District, Los Angeles
Corps of Engineers.
Los Angeles, California
25 February, 1970

State of California
Division of Highways, District 7
P. O. Box 2304
Los Angeles, California 90054

Gentlemen:

Referring to written request dated 19 July 1968 for a permit to place 2,500,000 cubic yards of revetted earth fill in the Pacific Ocean.

I have to inform you that, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army.

to place approximately 2,500,000 cubic yards of revetted earth fill to extend
(Here describe the proposed structure or work.)
a maximum of 500 feet seaward from the mean high tide line between highway stations 425 and 510

in the Pacific Ocean
(Here to be named the river, harbor, or waterway concerned.)

at a location between 2.3 miles south of the Santa Barbara County line and 1.3
(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)
miles north of Route 33, Ventura County, California

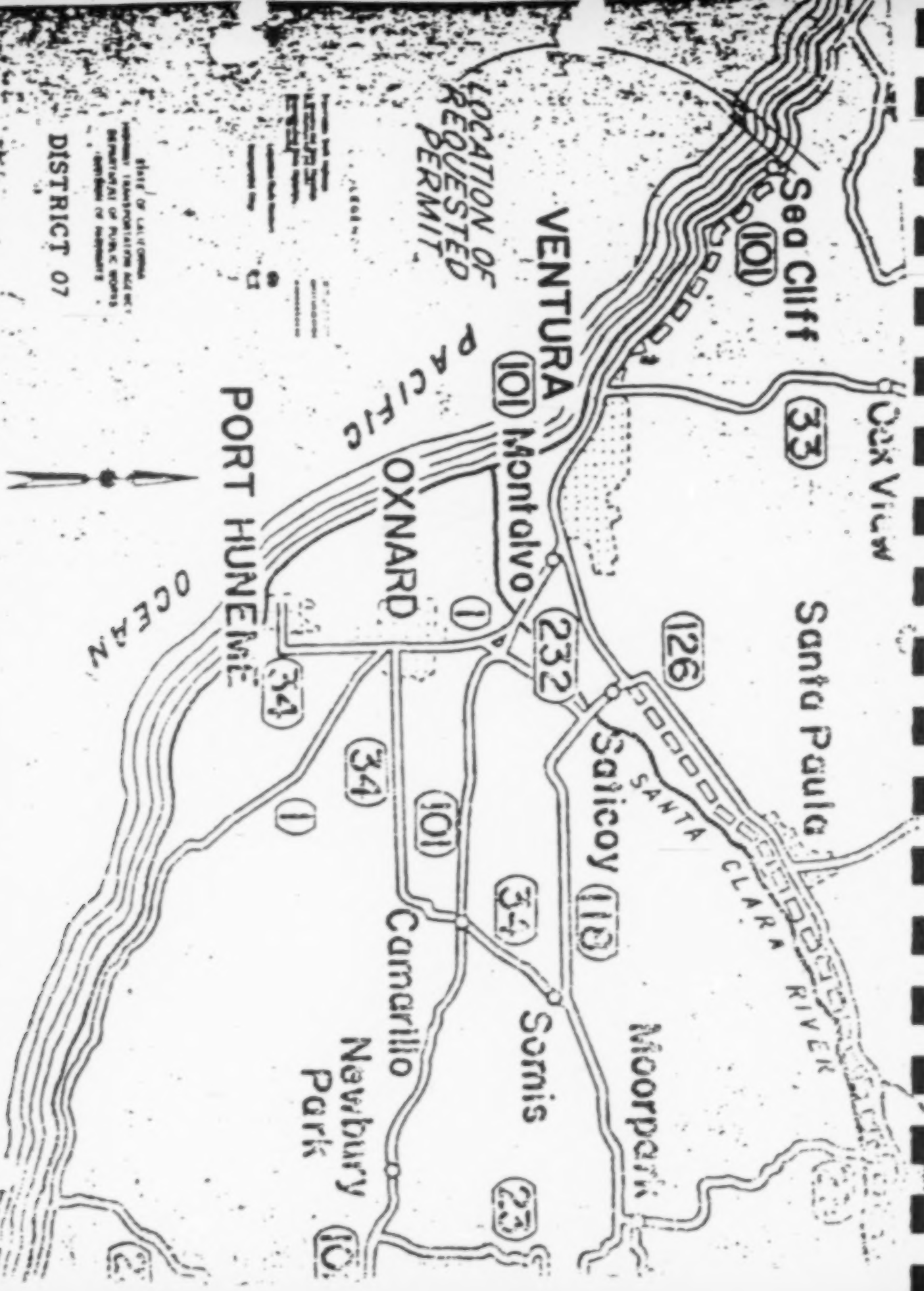
in accordance with the plans shown on the drawing attached hereto in two sheets marked;
(Or drawings; give file number or other definite identification marks.)

"State of Calif., Highway Transportation Agency, Dept. of Public Works, Div. of Highways, Dist. 07. Ven-101, Sta. 425 to 510."

subject to the following conditions:

DISTRICT 07

LOCATION OF
REQUESTED
PERMIT



(a) That the work shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the locality, who may temporarily suspend the work at any time, in his judgment the interests of navigation so require.

(b) That any material dredged in the prosecution of the work herein authorized shall be removed evenly and no large refuse piles, ridges across the bed of the waterway, or deep holes that may have a tendency to cause injury to navigable channels or to the banks of the waterway shall be left. If any pipe, wire, or cable hereby authorized is laid in a trench, the formation of permanent ridges across the bed of the waterway shall be avoided and the back filling shall be so done as not to increase the cost of future dredging for navigation. Any material to be deposited or dumped under this authorization, either in the waterway or on shore above high-water mark, shall be deposited or dumped at the locality shown on the drawing hereto attached, and, if so prescribed thereon, within or behind a good and substantial bulkhead or bulkheads, such as will prevent escape of the material in the waterway. If the material is to be deposited in the harbor of New York, or in its adjacent or tributary waters, or in Long Island Sound, a permit therefor must be previously obtained from the Supervisor of New York Harbor, New York City.

(c) That there shall be no unreasonable interference with navigation by the work herein authorized.

(d) That if inspections or any other operations by the United States are necessary in the interest of navigation, all expenses connected therewith shall be borne by the permittee.

(e) That no attempt shall be made by the permittee or the owner to forbid the full and free use by the public of all navigable waters at or adjacent to the work or structure.

(f) That if future operations by the United States require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army, it shall cause unreasonable obstruction to the free navigation of said water, the owner will be required upon due notice from the Secretary of the Army, to remove or alter the structural work or obstructions caused thereby without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed; and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners shall, without expense to the United States, and to such extent and in such time and manner as the Secretary of the Army may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable capacity of the watercourse. No claim shall be made against the United States on account of any such removal or alteration.

(g) That the United States shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

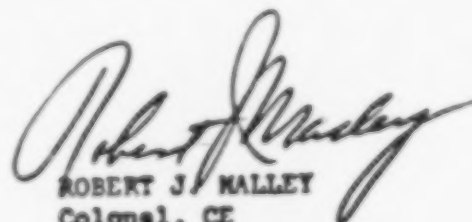
(h) That if the display of lights and signals on any work hereby authorized is not otherwise provided for by law, such lights and signals as may be prescribed by the U. S. Coast Guard, shall be installed and maintained by and at the expense of the owner.

(i) That the permittee shall notify the said district engineer at what time the work will be commenced, and as far in advance of the time of commencement as the said district engineer may specify, and shall also notify him promptly, in writing, of the commencement of work, suspension of work, if for a period of more than one week, resumption of work, and its completion.

(j) That if the structure or work herein authorized is not completed on or before 31st day of December, 1973, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

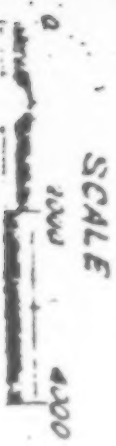
(k) That the permittee shall comply promptly with any regulations, conditions, or instructions affecting the work hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions or instructions in effect or prescribed by the Federal Water Pollution Control Administration or State agency are hereby made a condition of this permit.

By authority of the Secretary of the Army:

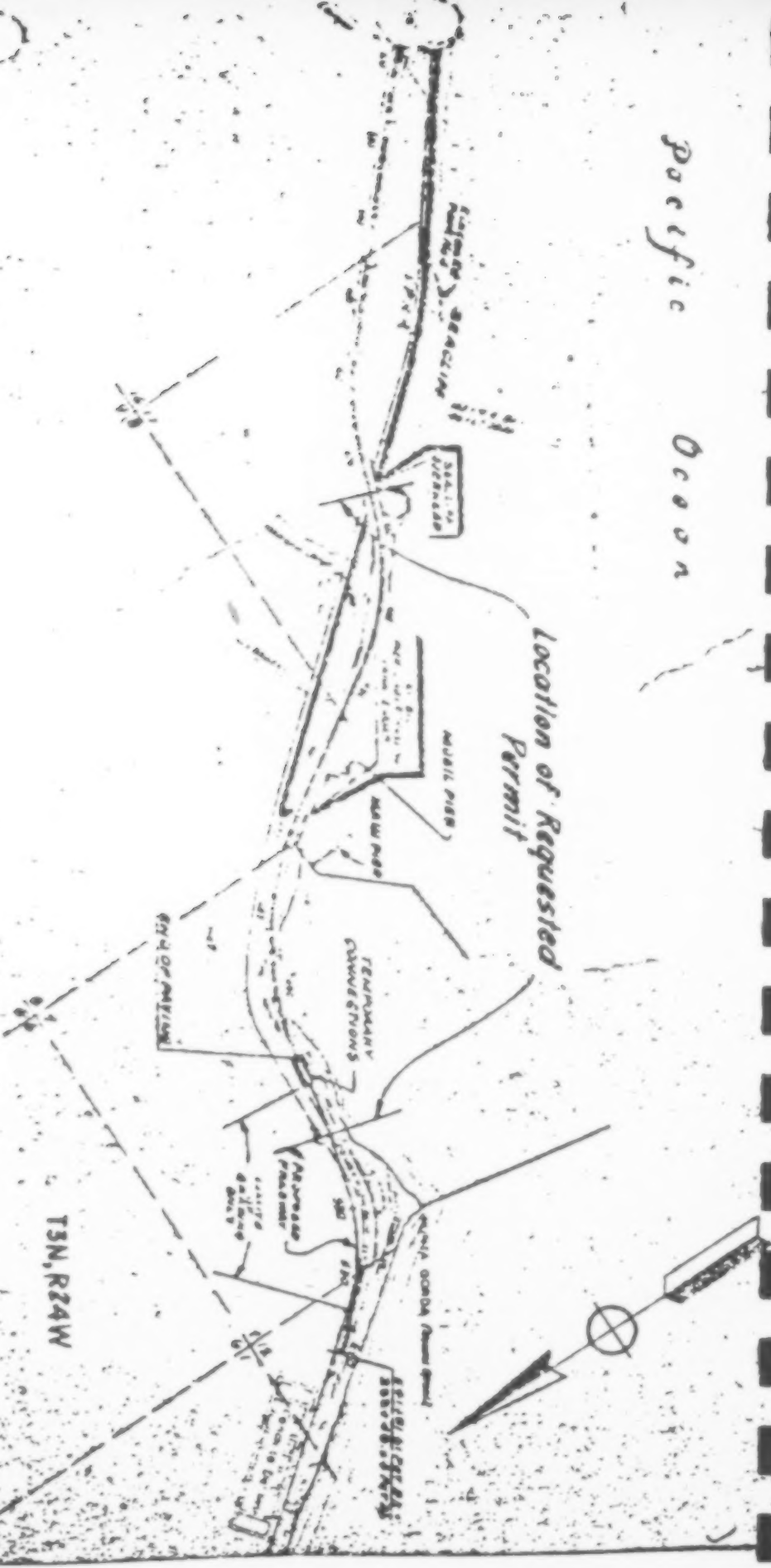

ROBERT J. MALLEY
Colonel, CE
District Engineer

Pacific Ocean

Location of Requested Permit



Ven-101
STA 425 TO STA 510



2. East Cameron Jetties, Louisiana

a. Disclaimer 08/31/70

b. Corps Permit 12/04/70

AGREEMENT

WHEREAS, the East Cameron Port, Harbor and Terminal District, Grand Chenier, Louisiana, has applied to the Corps of Engineers, United States Army, for a permit to dredge a channel and construct protective jetties extending approximately 1400 feet into the Gulf of Mexico from the shore in Cameron Parish; and

WHEREAS, under the applicable law, the proposed jetties might affect the location of the coastline and boundary of the State of Louisiana, including the offshore boundary line between the outer continental shelf and the state-owned lands beneath navigable waters in the Gulf of Mexico; and

WHEREAS, the United States might for that reason refuse a permit for the project; and

WHEREAS, to avoid such refusal, the Legislature of the State of Louisiana has duly enacted Act No. 64 of 1970, which authorizes the East Cameron Port, Harbor and Terminal District "to enter into an agreement with the United States, with the approval of the governor and/or the attorney general, to provide that the construction, maintenance and operation of jetties in the Gulf of Mexico by said district shall not affect the location of the shoreline, coastline or boundary of the State of Louisiana"; and

NOW, THEREFORE, the State of Louisiana, acting by and through the East Cameron Port, Harbor and Terminal District, with the approval of the Attorney General of the State of Louisiana, pursuant to the authority granted to them by said Act No. 64 of 1970, declares and agrees as follows:

1. In consideration of the issuance by the Secretary of the Army of a permit for construction of a channel and jetties pursuant to the application filed by the East Cameron Port, Harbor and Terminal District on June 30, 1969, the State of Louisiana agrees that the shoreline, coastline, and boundaries of the State of Louisiana are not to be deemed to be in any way affected by the construction, maintenance, or operation of such jetties.

2. This agreement is executed solely for the purpose of removing an objection to the project referred to herein. It is not an admission by the State of Louisiana or by the United States as to the present location of the shoreline, coastline, or boundaries of the State of Louisiana, and is without prejudice to any contention that any party may now or hereafter make regarding such present location.

3. When executed for the State of Louisiana by the East Cameron Port, Harbor and Terminal District and approved by the Attorney General of the State of Louisiana, and when accepted for the United States by the Secretary of the Interior, this agreement shall become effective and binding upon

issuance by the Secretary of the Army of a permit for construction
of the project referred to herein.

APPROVED:

Jack P. Hemmilion
Attorney General
(Title)
Aug 31 1970
(Date)

STATE OF LOUISIANA
acting by and through the
EAST CAMERON PORT, HARBOR
AND TERMINAL DISTRICT

By:

Arnold C. Jones
Chairman

(Title)

September 2, 1970
(Date)

The United States accepts the foregoing agreement as
eliminating any objection to the project referred to therein on
account of its possible effect on the coastline or boundary of
the State of Louisiana.

Walter J. Hickel

Walter J. Hickel
Secretary of the Interior

SEP 30 1970
(Date)

STATE OF LOUISIANA

PARISH OF CAMERON

I hereby certify that the above and foregoing is
a true and correct copy of Resolution adopted and passed by
the East Cameron Port, Harbor and Terminal District in Special
Session convened on the 2nd day of September, 1970.

Cameron, Louisiana, this 9th day of September,
1970.

Garner Nung

SECRETARY

EAST CAMERON PORT, HARBOR
AND TERMINAL DISTRICT

JONES & JONES
ATTORNEYS AT LAW
CAMERON, LOUISIANA

September 4, 1970

JEAN G. JONES

Francis A. Cotter
Office of the Solicitor
Department of the Interior
Washington, D. C. 20240

Re: East Cameron Port, Harbor
and Terminal District,
Cameron Parish, Louisiana

Dear Mr. Cotter:

I am pleased to enclose herewith the agreement by and between the State of Louisiana and the United States relative to the construction by the East Cameron Port, Harbor and Terminal District of a channel out into the Gulf of Mexico.

In accordance with our previous discussions, will you please have this agreement executed by Mr. Hickel and return three executed copies to us. We are sending a copy of this letter and the proposed agreement to the U. S. Corps of Engineers in New Orleans, Louisiana, and request that they now issue the permit to construct the jetties. It is our understanding that this is the last remaining obstacle to their issuing this permit.

Our people are most anxious to proceed, and we respectfully request your expediting this matter with the Department of Interior.

Francis A. Cotter

Page -2-

September 4, 1966

We also request that the Corps of Engineers please forward us the permit as soon as possible.

Sincerely yours,

JONES & JONES

J. B. JONES, JR.

JBJjr/cl

Encl.

cc: Corps of Engineers *
Jack P. F. Gremillion
Oliver P. Stockwell
Members of the Board
East Cameron Port, Harbor
and Terminal District

DEPARTMENT OF THE ARMY

PERMIT

LMNOD-SP (Gulf of Mexico) 1526

US ARMY ENGR DISTRICT, NEW ORLEANS
NEW ORLEANS, LOUISIANA 4 December, 1970

Board of Commissioners
East Cameron Port Harbor & Terminal District
PO Box 46A
Grand Chenier, La. 70643

LMNOD-SP
1522-15
Gulf of Mexico
1526/2

P-70-A-3

Referring to written request dated 30 June 1969,

upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899 (33 U.S.C. 403), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army

to dredge and maintain a channel (spoil to be deposited as shown on drawing) and install and maintain stone jetties,

in the Gulf of Mexico and Lower Mad Lake,

Copy to Chief of Engineers Div
ATTN: Service Branch

at central to a point about 6.8 miles southeasterly from Oak Grove, La., in Cameron Parish,

in accordance with the plans and drawings attached hereto in one sheet, titled "Proposed Channel Dredging & Jetty Const. . . .", dated June 1969,

subject to the following conditions:

1. General Survey
2. Operations

LMN Form 991 (Temp)
Jun 70

Copy to Chief of Engineers Div
ay to [signature] 12/15/70 4/26/71

LJUD-SP (Gulf of Mexico)1526

4 December 1970

(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Federal Water Quality Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Federal Water Quality Administration and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest.* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.*

*A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

LAMOD-SP (Gulf of Mexico)1526
4 December 19 70

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before the thirty-first day of December, 19 73, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in interest of the permittee.

(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

LAWD-SP (Gulf of Mexico) 1586
4 December 1970

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

(u) That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States, at the direction of the Secretary of the Army and in such time and manner as the Secretary or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

(v) This authorization is wholly unconnected and unincumbered with the ownership of or rights in the underlying soil and creates no property rights.

(w) This permit will terminate on 4 December 1971 unless the permittee submits to the District Engineer the certification provided for in Section 21(b)(8) of Public Law 91-824, Water Quality Improvement Act of 1970, within one year from the date of the permit.

By authority of the Secretary of the Army:

1 Incl
Drawing

C. J. Nettles
C. J. NETTLES
Asst Chief, Operations Division
for
HERBERT R. HAAR, JR.
Colonel, CE
District Engineer

4 December 1970
Date

Permittee hereby accepts the terms and conditions of this permit.

James Nung
Permitted
Lieut. Secretary
CAPM-TD

12-4-70
Date

3. West Dock, Alaska, (Phase I)

a. Disclaimer No disclaimer requested

b. Corps Permit 07/16/74

Application No. 1-176
Agency AMC
Effective Date 10 July 1974
Expiration Date 31 Dec 77
File No. Sanford 20 11

DEPARTMENT OF THE ARMY
PERMIT

DOC #13

Referring to written request dated 11 April 1974 for a permit to perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of March 3, 1899 (33 USC 403) and Section 203(b) of the Trans-Alaska Pipeline Authorization Act (PL 93-153).

ATLANTIC RICHFIELD COMPANY, PO Box 340, Anchorage, Alaska 99510,

is hereby authorized by the Secretary of the Army
to construct on, over, and under

to provide

to the satisfaction of

In accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit and marked: "PROPOSED DOCK & APPROACH IN PRUDHOE BAY AT NORTHWESTERLY SHORE, BY ATLANTIC RICHFIELD COMPANY, PO BOX 340, ANCHORAGE, ALASKA 99510; DATE: APRIL 23, 1974; SHEETS 1, 2, 3, 4."

subject to the following conditions:

I. GENERAL CONDITIONS:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions f. or g. hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate; whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

c. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

d. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

e. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

f. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein is necessary to protect navigation. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to protect navigation. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to the procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

g. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the interests of navigation. Any such modification, suspension or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and conditions of this permit did not, in fact, occur or, (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

h. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

i. That any modification, suspension or revocation of this permit shall not be the basis for any claim for damages against the United States.

j. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

k. That if the activity authorized herein is not started on or before the 31st day of December, 19 76, and is not completed on or before the 31st day of December, 19 77, this permit, if not previously revoked or specifically extended, shall automatically expire.

l. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

m. That if the display of lights and signals on any structures or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

n. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

o. That if and when the permittee desires to abandon the activity authorized herein unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition r. hereof, he must restore the area to a condition satisfactory to the District Engineer.

p. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

q. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

r. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

See attached addendum which is incorporated herein by reference.
This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.



BY AUTHORITY OF THE SECRETARY OF THE ARMY:



CHARLES A. REBELIUS
COLONEL, CORPS OF ENGINEERS
DISTRICT ENGINEER

7-12-74

(DATE)

18 JUL 1974

(DATE)

Transferee hereby agrees to comply with the terms and conditions of this permit:

(TRANSFEREE)

(DATE)

addendum to Department of the Army permit Atlantic Richfield Company,
Barrow Sea 10

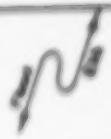
11. SPECIAL CONDITIONS:

(c) That the applicant shall establish appropriate baseline data prior to commencement of construction and shall develop and implement a marine environmental monitoring program to document the impact of the construction and operation of the docking facility on the environment. Said monitoring shall be continued for a minimum of three years after completion of the project or the discontinued use of the structure, whichever comes first.

(t) That the baseline collection and marine monitoring programs, and any subsequent changes thereof, shall have the approval of the Authorized Officer, Alaska Pipeline Office, Department of the Interior, who shall have access to all data and reports pertaining to the baseline and monitoring programs.

N

BEAUFORT
SEA



Dock No. 2

20' x 150' on 700' interval

5410' E

1000'
to 6' Water Depth

Future Locations for
Additional Storage Pads

Initial Storage Pad
Approx. 800,000 sq ft
800' x 1000' x 8' Deep

17320'

TYRE
LAT. 70° 52' 00"
LONG. 149° 28' 55"
IN 000,572.54
TO 0,000,000.00

(Beaufort Sea 10)

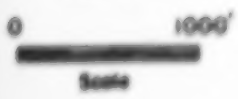
PROPOSED DOCK & APPROACH

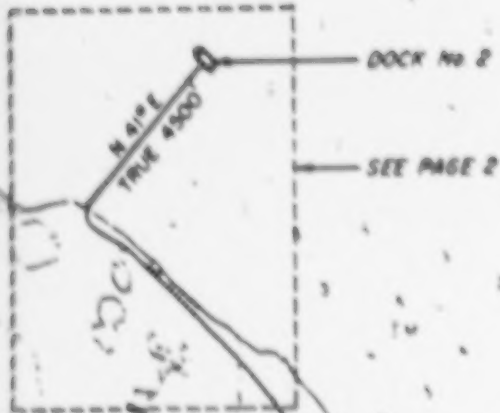
IN: Prudhoe Bay

AT: Northwest Shores

BY: Atlantic Richfield Company

PLAN





Gull Island

Prudhoe Bay

(Beaufort Sea 10)

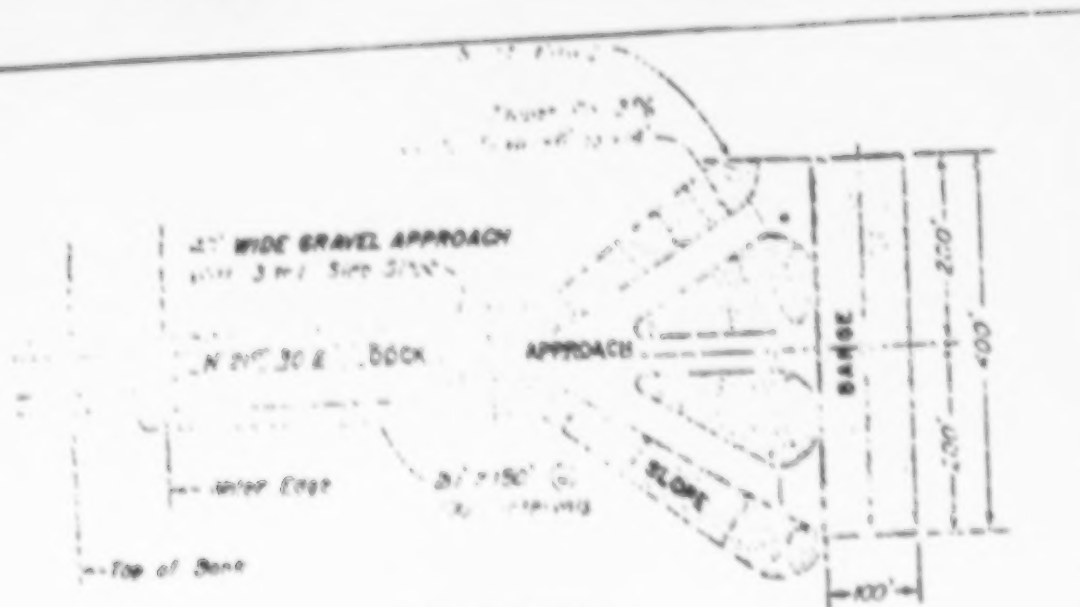
PROPOSED DOCK & APPROACH

IN: Prudhoe Bay

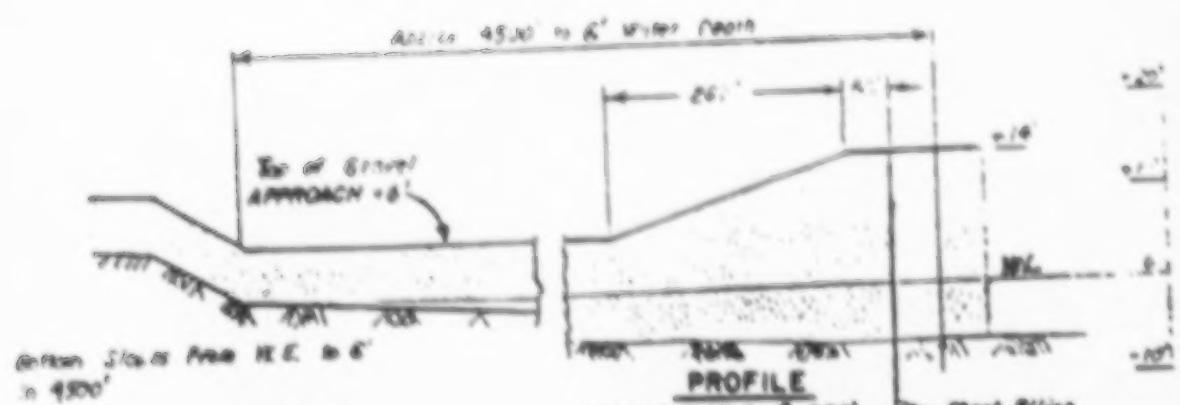
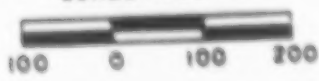
AT: Northwestern Shore

BY: Atlantic Richfield Company

NAVY MAP



BARGE DOCK
CONFIGURATION B
(ALTERNATE)
PLAN
SCALE - FEET



PROFILE

SCALE HORIZ. 1"=200'
VERT. 1"=20'



SE
No Scale

(Beaufort Sea 10)

PROPOSED DOCK & APPROACH

IN: Prudhoe Bay

BY: Northwestern Shore

BY: Atlantic Richfield Company

P.O. Box 360

4. West Dock, Alaska, (Phase II)

a. Disclaimer No disclaimer requested

b. Corps Permit 01/08/76

Application No. NPA 72-1

Doc# = 6
M-7402-

Name of Applicant Atlantic Richfield Company

Effective Date 8 January 1976

Expiration Date (If applicable) N/A

File No. Beaufort Sea 10

DEPARTMENT OF THE ARMY
PERMIT

Referring to written request dated 8 October 1975 for a permit to:

(k) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

(g) Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

(l) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052, P.L. 92-532).

Atlantic Richfield Company
PO Box 360
Anchorage, Alaska 99510

← (Here insert the full name and address of the permittee)

is hereby authorized by the Secretary of the Army:

to approve a revised plan to construct an
extension of the Prudhoe Bay Dock Facility

← (Here describe the proposed structure or activity, and its intended use. In the case of an application for a fill permit, describe the structure, if any, proposed to be erected on the fill. In the case of an application for the discharge of dredged or fill material into navigable waters or the transportation for discharge in ocean waters of dredged material, describe the type and quantity of material to be discharged.)

Prudhoe Bay

← (Here to be named the ocean, river, harbor, or waterway concerned.)

Northwesterly Shore

← (Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the coast, stating whether above or below or giving direction by points of compass.)

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings give file number or other definite identification marks):

PROPOSED REVISED DOCK PLAN; IN: PRUDHOE BAY;
AT: NORTHWESTERLY SHORE; BY: ATLANTIC RICHFIELD COMPANY, PO BOX 360,
ANCHORAGE, ALASKA 99510; DATE: OCTOBER 8, 1975 SHEETS 1 THRU 4

subject to the following conditions:

1. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306 and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife and natural environmental values.

e. That the permittee agrees to prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

f. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

h. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges, and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not ~~ended~~ ^{started} on or before _____ day of _____, 19____ (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before _____ day of _____, 19____ (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and condition of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

The following Special Conditions will be applicable when appropriate:

W. **STRUCTURES FOR SMALL BOATS:** That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

~~DISCHARGE OF DREDGED MATERIAL INTO OCEAN WATERS:~~ That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

X. **ERECTION OF STRUCTURE IN OR OVER NAVIGABLE WATERS:** That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

with this permit
the permittee shall be
responsible for
any damage to
the waterway or
other property
caused by the
structure or work
authorized herein
or that may be
caused by the
structure or work
authorized herein
or that may be
caused by the
structure or work
authorized herein

4(b)3

MAINTENANCE DREDGING. (1) That when the work authorized herein includes periodic maintenance dredging, it may be carried out under this permit for _____ years from the date of issuance of this permit, but not more than _____ years unless otherwise indicated; and (2) That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

ii. Special Conditions (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

- a. That the permittee shall certify that construction of the proposed structure in accordance with the inclosed plans is necessary because of a bona fide emergency.
- b. That explosives shall not be used in the construction of this structure without the prior consent of the Alaska Department of Fish and Game.
- c. That structure shall be removed by the permittee commencing on 30 June 1976, unless the permittee has satisfied the District Engineer of sufficient progress toward the following permit conditions:
 - (1) That the permittee shall conduct or bear the cost of conducting studies designed by the resource agencies to determine the environmental impact of the structure. Subject to the results of these studies and recommendations of the National Marine Fisheries Service, Fish and Wildlife Service, Environmental Protection Agency and/or agencies of the State of Alaska, based on these findings, the District Engineer may direct the permittee to leave in place, remove or modify the emergency structure.
 - (2) That the permittee shall prepare a plan that demonstrates that the facilities conform with an accepted and unitized long-range plan for marine cargo handling in the Prudhoe Bay area.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

[Signature]
PERMITTEE TITLE JOE S
ATTORNEY-IN-FACT

1-8-76
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

[Signature]

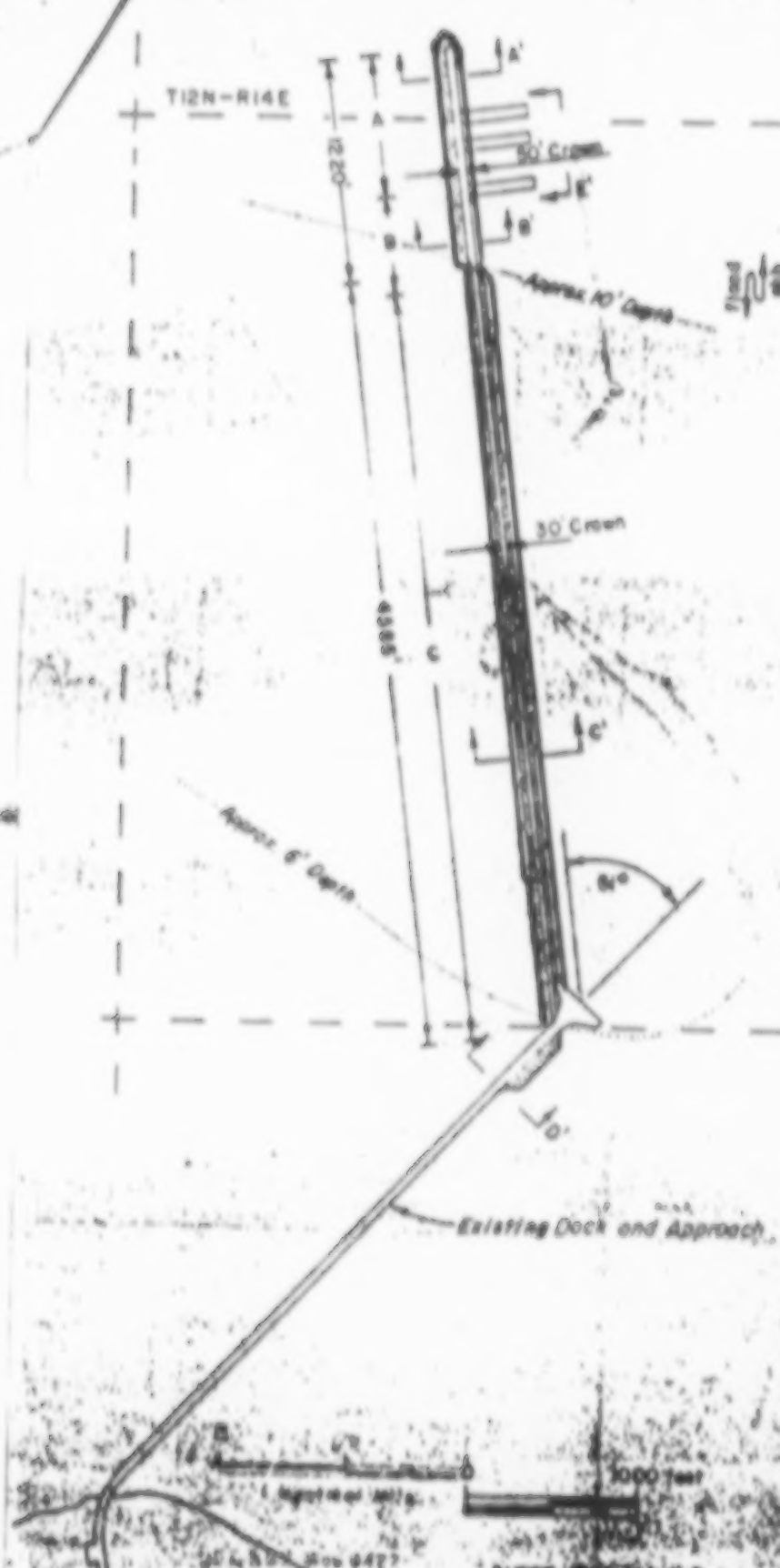
8 Jan 76
DATE

FOR **CHARLES A. DEBELIUS**
Colonel, Corps of Engineers
DISTRICT ENGINEER,
U.S. ARMY, CORPS OF ENGINEERS

Transferee hereby agrees to comply with the terms and conditions of this permit.

TRANSFEREE

DATE



PRUDHOE BAY

PROPOSED REVISED DOCK PLAN

INr Prediction Bay

AT: Northwestern Shore

ST-1 - A Nonsteroidal Compound

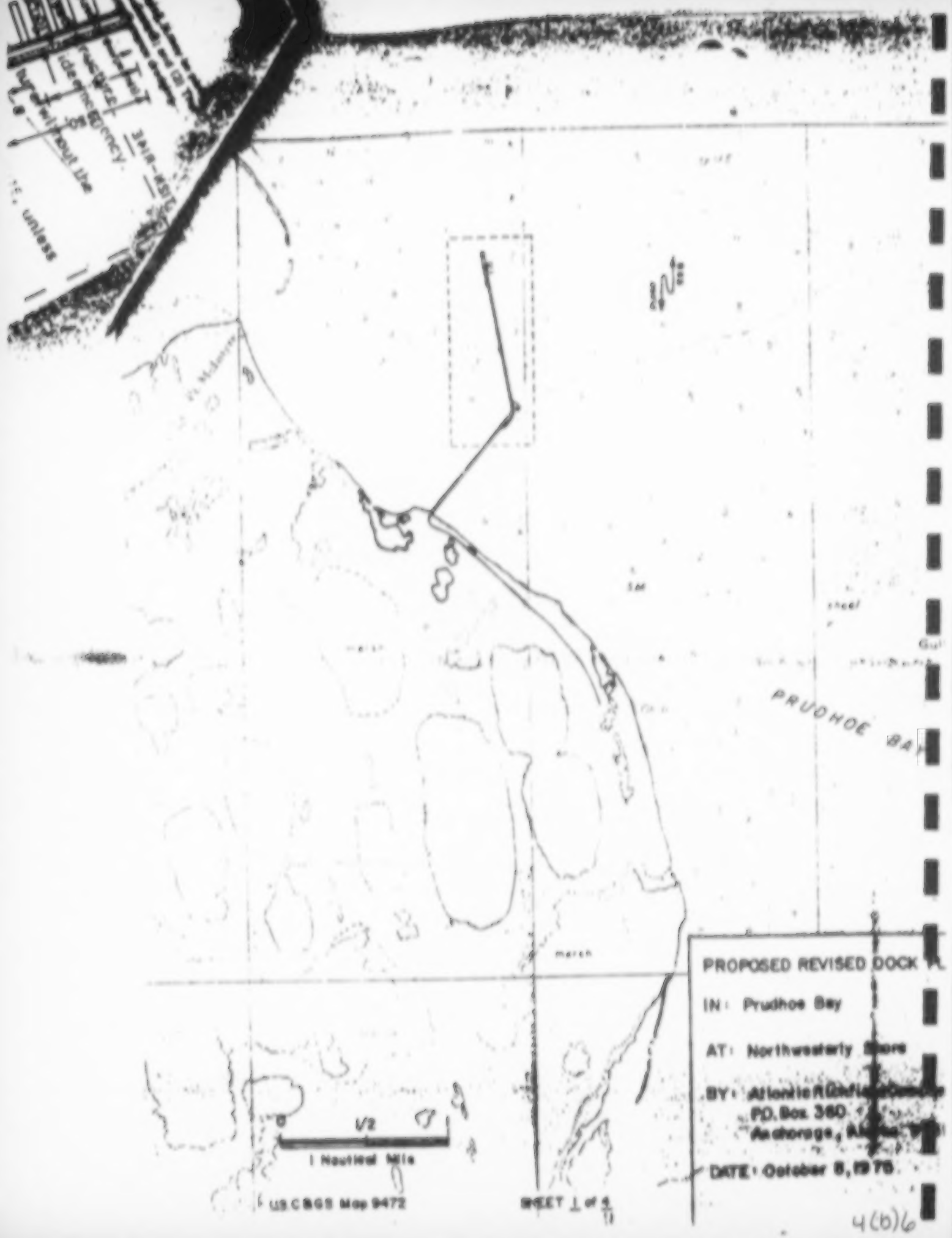
2000

Answers to Sample Questions

DATE: October 2, 1978

SECRET, CONFIDENTIAL OR 9.

... unless



PROPOSED REVISED DOCK

IN: Prudhoe Bay

AT: Northwesterly ~~Spore~~

BY: Atlantic Regional
P.O. Box 380
Anchorage, Alaska

DATE: October 8, 1975

USCGC Map 9472

PAGE 1 OF 9

4(b)(6)

5. West Dock, Alaska, (Phase III)

a. Disclaimer 12/01/80

b. Corps Permit 01/02/81

AGREEMENT

WHEREAS Atlantic Richfield Company (ARCO) and Sohio Alaska Petroleum Company (SOHIO) have applied to the United States Army Corps of Engineers for a permit to construct an extension of the existing ARCO dock at Prudhoe Bay;

WHEREAS, under the Submerged Lands Act, 43 U.S.C. Sections 1301 et seq., such an extension might affect the location of the coast line and boundary of the State of Alaska, including the offshore boundary line between the outer continental shelf and State-owned lands beneath navigable waters in the Beaufort Sea;

WHEREAS, under 33 CFR 320.4(f), the Corps of Engineers is required to consult with the United States Attorney General and the Solicitor of the Department of Interior if a project for which a permit is sought might affect the coast line;

WHEREAS, the Corps of Engineers has consulted the Attorney General and Solicitor pursuant to 33 CFR 320.4(f);

WHEREAS the Corps of Engineers has been requested by the Attorney General and Solicitor to withhold approval of ARCO and SOHIO's permit application because of the potential effect on Alaska's coast line;

WHEREAS their objection to the permit application on this ground would be removed if a binding disclaimer is entered by the State of Alaska to the effect that the State does not, and will not, treat the extension as extending its coast line for purposes of the Submerged Lands Act;

WHEREAS the Alaska Attorney General, in a Formal Opinion dated October 29, 1987, concluded that the Alaska Commissioner of Natural Resources has the power to grant such a binding disclaimer;

WHEREAS, absent such a disclaimer, it appears that it will be at least 12 to 18 months before the United States Attorney General and the Solicitor of the Department of Interior will be in a position to consider removing their objection;

WHEREAS the project for which ARCO and SOHIO are seeking the Corps of Engineers' permit is an integral component of the proposed

waterflood project which will permit substantial secondary recovery from the existing Prudhoe Bay field;

WHEREAS it is in the State of Alaska's interest to obtain such secondary recovery;

WHEREAS, because of technical engineering considerations, it is in the State of Alaska's interest to avoid unnecessary delay in issuance of the Corps of Engineers' permit;

WHEREAS executing a binding disclaimer to the effect that the State of Alaska does not, and will not, treat the applied-for extension as extending the State's coast line for purposes of the Submerged Lands Act grant will eliminate any delay in permit issuance attributable to the consultation requirement of 33 CFR 320.4(f);

THEREFORE, the State of Alaska, acting by and through the Commissioner of Natural Resources, pursuant to the authority granted to him by Article VIII, Section 1 of the Alaska Constitution, AS 38.05.020(b), 38.05.027(a), 38.05.035(a)(14) and 38.05.315(a), declares and agrees as follows:

1. In consideration of the issuance, by the Secretary of the Army or his authorized representative, of a permit for construction of an extension to the ARCO dock at Prudhoe Bay for purposes of the waterflood project designed to result in substantial secondary recovery from the existing Prudhoe Bay oil and gas field, pursuant to the application filed by ARCO and SOHIO, the State of Alaska agrees that the shoreline, coast line, and boundaries of the State of Alaska are not to be deemed to be in any way affected by the construction, maintenance, or operation of such extension. This Agreement should be construed as a binding disclaimer by the State of Alaska to the effect that the State does not, and will not, treat the ARCO dock waterflood extension as extending its coast line for purposes of the Submerged Lands Act.

2. This Agreement is executed solely for the purpose of eliminating delay in the issuance of the permit sought by ARCO and SOHIO resulting from the requirement in 33 CFR 320.4(f) that the United States Army Corps of Engineers consult with the United States Attorney General and the Solicitor of the Department of Interior when a project for which a permit is sought might affect the coast line. It is not an admission

The United States accepts the foregoing Agreement (together with a companion Agreement dated _____ and signed by the Alaska Commissioner of Natural Resources, by which the State of Alaska disclaims any additional submerged lands to which the State might become entitled by virtue of the proposed extension of the ARCO dock as obviating any further requirement for consultation by the United States Army Corps of Engineers with the United States Attorney General and the Solicitor of the Department of Interior pursuant to 33 CFR 320.4(f) and as eliminating any objection to the project referred to therein on account of its possible effect on the coast line or boundary of the State of Alaska.

Benjamin Civiletti
Benjamin Civiletti
Attorney General
United States of America

(date) 12/1/80

Clyde O. Mertz
Clyde O. Mertz, Esq.
Solicitor
Department of the Interior
United States of America

12-1-80
(date)

WHEREAS Atlantic Richfield Company (ARCO) and Sohio Alaska Petroleum Company (SOHIO) have applied to the United States Army Corps of Engineers for a permit to construct an extension of the existing ARCO dock at Prudhoe Bay;

WHEREAS, under the Submerged Lands Act, 43 U.S.C. Sections 1301 et seq., such an extension might affect the location of the coast line and boundary of the State of Alaska, including the offshore boundary line between the outer continental shelf and State-owned lands beneath navigable waters in the Beaufort Sea;

WHEREAS, under 33 CFR 320.4(f), the Corps of Engineers is required to consult with the United States Attorney General and the Solicitor of the Department of Interior if a project for which a permit is sought might affect the coast line;

WHEREAS, the Corps of Engineers has consulted the Attorney General and Solicitor pursuant to 33 CFR 320.4(f);

WHEREAS the Corps of Engineers has been requested by the Attorney General and Solicitor to withhold approval of ARCO and SOHIO's permit application because of the potential effect on Alaska's coast line;

WHEREAS their objection to the permit application on this ground would be removed if (1) a binding disclaimer is entered by the State of Alaska to the effect that the State does not, and will not, treat the extension as extending its coast line for purposes of the Submerged Lands Act and (2) the State agrees not to invoke the permit, if granted, or any work undertaken pursuant to it, as ratifying the previous extension of the ARCO dock or otherwise affecting the issue whether that extension is part of Alaska's coast line for purposes of the Submerged Lands Act, a question currently at issue in United States v. Alaska, United States Supreme Court No. 84 Original;

WHEREAS, by an Agreement dated _____ and signed by the Alaska Commissioner of Natural Resources, the State of Alaska has entered a binding disclaimer to the effect that the State does not, and will not, treat the extension as extending its coast line for purposes of the Submerged Lands Act;

WHEREAS, for the reasons set out in that disclaimer, it is in the State's interest to remove the Attorney General's and Solicitor's objection to ARCO and SOHIO's permit application;

THEREFORE, the State of Alaska, acting by and through the Attorney General, pursuant to the authority granted to him by AS 44.23.020(b)(1), (2) and (3), declares and agrees as follows:

1. In consideration of the issuance, by the Secretary of the Army or his authorized representative, of a permit for construction of an extension to the ARCO dock at Prudhoe Bay for purposes of the water-flood project designed to result in substantial secondary recovery from the existing Prudhoe Bay oil and gas field, pursuant to the application filed by ARCO and SOHIO, the State of Alaska agrees that it will not invoke the permit or any work undertaken pursuant to it as ratifying the previous extension of the ARCO dock or otherwise affecting the question whether that earlier extension is part of Alaska's coast line for purposes of the Submerged Lands Act, a question currently at issue in United States v. Alaska, United States Supreme Court No. 84-1555. Original.

2. This Agreement is executed solely for the purpose of eliminating delay in the issuance of the permit sought by ARCO and SOHIO resulting from the requirement in 33 CFR 320.4(f) that the United States Army Corps of Engineers consult with the United States Attorney General and the Solicitor of the Department of Interior when a project for which a permit is sought might affect the coast line. It is not an admission by the State of Alaska or by the United States as to the present location of the shoreline, coast line, or boundaries of the State of Alaska, and is without prejudice to any contention that any party may now or hereafter make regarding such present location.

3. When executed for the State of Alaska by the Attorney General, and when accepted for the United States by the United States Attorney General and the Solicitor of the Department of Interior, this Agreement shall become effective and binding upon issuance by the Secretary of the Army or his authorized representative of a permit for construction of the project referred to herein.

STATE OF ALASKA

By: Wilson L. Condon
Attorney General
State of Alaska

(date)

by the State of Alaska or by the United States as to the present location of, the shore or coast line, or boundary of the State of Alaska, and is without prejudice to any contention that any party may now or hereafter make regarding such present location.

3. When executed for the State of Alaska by the Commissioner of Natural Resources, and when accepted for the United States by the United States Attorney General and the Solicitor of the Department of Interior, this Agreement shall become effective and binding upon issuance by the Secretary of the Army or his authorized representative of a permit for construction of the project referred to herein.

STATE OF ALASKA

By:

Robert E. Lehesche
Commissioner of Natural Resources
State of Alaska

(date)

The United States accepts the foregoing Agreement (together with the companion Agreement dated _____ and signed by the Alaska Attorney General to the effect that the State of Alaska will not invoke the permit, or any work undertaken pursuant to it, as ratifying the previous extension of the ARCO dock or otherwise affecting the issue whether that extension is part of Alaska's coast line for purposes of the Submerged Lands Act, a question currently at issue in United States v. Alaska, United States Supreme Court No. 84 Original) as obviating any further requirement for consultation by the United States Army Corps of Engineers with the United States Attorney General and the Solicitor of the Department of Interior pursuant to 33 CFR 320.4(f) and as eliminating any objection to the project referred to therein on account of its possible effect on the coast line or boundary of the State of Alaska.

Benjamin Civiletti
Benjamin Civiletti
Attorney General
United States of America

(date)

Clyde V. Harts, Esq.
Clyde V. Harts, Esq.
Solicitor
Department of the Interior
United States of America

(date)

5(a)6



United States Department of Justice
Office of the Solicitor General
Washington, D.C. 20530

December 19, 1980

Doc #12

REC'd 27 Dec 80
HPS

Honorable Wilson L. Condon
Attorney General
Pouch K - State Capitol
Juneau, Alaska 99811

Re: No. 84, Original, United States v. Alaska
(Proposed West Dock extension, Prudhoe Bay)

Dear Mr. Attorney General:

I have today been advised by the Alaska District of the
United States Corps of Engineers that they have received and are
forwarding here copies of the two Agreements relating to the
proposed further extension of the Prudhoe Bay West Dock, signed
by the Alaska Commissioner of Natural Resources and the Alaska
Attorney General. Pursuant to previous arrangements, I am
accordingly now enclosing copies of the same documents signed by
the United States Attorney General and the Solicitor of the
Department of the Interior. I have, moreover, today advised the
Corps of Engineers that, effective immediately, the objection
previously interposed to the granting of a permit on the ground
of the structure's possible effect on Alaska's Submerged Lands
Act grant is withdrawn. *crally*

I am sure you join us in the satisfaction that, in a
cooperative spirit, we have been able so promptly to clear the
way for an important project in the general interest.

Sincerely,


Louis F. Claiborne
Deputy Solicitor General

cc: Clyde O. Marts, Esquire
Solicitor
Department of the Interior

Application No. 17,001 6-740201
 Name of Applicant Atlantic Richfield Company
15 JUN 1971
 Effective Date _____
 Expiration Date (if applicable) _____
 File No. Braufort Sea 20

DEPARTMENT OF THE ARMY
 PERMIT

Referring to written request dated 3 August 1970 for a permit to:
 (X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403).
 (X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500).
 () Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052, P.L. 92-532).

Atlantic Richfield Company
 P.O. Box 740
 Anchorage, Alaska 99510

is hereby authorized by the Secretary of the Army
 to 3. Relocate Dockhead No. 3, 730' to the east,

b. Construct a 1,700-foot-long causeway north from Dockhead No. 3 with a 57-foot clearspan breach immediately north of Dockhead No. 3. Causeway will have a 40-foot top-width and sideslopes of 4H:1V.

(Description of work continued on page 1A)

in Prudhoe Bay Oilfield

in North Slope Borough, Alaska

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings, give file number or other definite identification marks.)

"PROPOSED PRUDHOE BAY UNIT WATERFLOOD PROJECT: LOCATION: NORTH SLOPE BOROUGH, STATE OF ALASKA: APPLICATION BY: ATLANTIC RICHFIELD COMPANY: DATE: DECEMBER 1970: 14 SHEETS"

subject to the following conditions:

1. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions; or a hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (P.L. 92-500, 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1092), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, of any pollutant including dredged or fill material, into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementer or plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges, and that it does not authorize any injury to property or invasion of rights or any abridgement of Federal, State, or local laws or regulations nor does it relieve the requirement to obtain State or local assent required by law for the activity authorized herein.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of a written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of this permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

The following Special Conditions will be applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (ten years unless otherwise indicated).

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the FWPCA and published in 40 CFR 230.

b. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities.

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution, and

d. That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State wild and scenic river system.

DUMPING OF DREDGED MATERIAL INTO OCEAN WATERS

a. That the dumping will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Alfred DISTRICT ENGINEER
PERMITTEE & TITLE

2 JAN 1981
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY

Lee R. Nelson

2 Jan 80
DATE

LEE R. NELSON
COLONEL, CORPS OF ENGINEERS

DISTRICT ENGINEER
U.S. ARMY, CORPS OF ENGINEERS

Transferor hereby agrees to comply with the terms and conditions of this permit.

TRANSFEREE

DATE

d. That if the activity authorized herein is not started on or before ~~September 1, 1968~~ September 1, 1968 (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before September 1, 1971 (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

e. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

f. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition 1 hereof, he must restore the area to a condition satisfactory to the District Engineer.

g. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

h. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

i. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

11. Special Conditions: There are conditions relating specifically to the proposed structure or work authorized by this permit:

a. That the permittee shall fund a monitoring program designed to validate the information contained in the Environmental Impact Statement and to establish the actual effects of the Waterflood Project. The monitoring program shall be developed in consultation with local, State and Federal resource agencies, approved by the District Engineer, and managed by a disinterested third party. The scope of the monitoring program shall be reviewed annually and modified according to the results of previous monitoring. The monitoring program shall continue for the life of the project.

b. That the passage between the Sewer Treatment Plant and Stunt Island shall be dredged at the direction of the District Engineer if the monitoring program indicates that dredging would be desirable.

c. That all of the structures authorized by this permit shall be removed after completion of the waterflooding of the Prince Bay Oilfield. The District Engineer shall be notified 12 months before the anticipated completion of the waterflooding of the Prince Bay Oilfield, and a good and sufficient performance bond shall be posted at that time to insure that the structures are removed.

CONTINUATION OF DESCRIPTION OF WORK TO DEPARTMENT OF THE ARMY PERMIT
HEADPORT SEA 20 (071-0YD-2-770291)

c. Construct a 430'x575' grave pad at the end of the causeway, with 5:1V side slopes,

d. Place a 150'x610' seawater treatment plant with intake structure on the pad,

e. Place a 24-inch-diameter outfall line beneath the seabed extending 720' north from the pad with a 24-inch-diameter diffuser extending an additional 210' north,

f. Place a 22-inch-diameter marine life return pipe beneath the seabed extending 310' east from the pad,

g. Raise and widen the existing causeway from the shoreline to Dockhead No. 3, and

h. Place two low pressure water pipelines, a fuel pipeline, and powerlines in the causeway from the shoreline to the seawater treatment plant.

All work being for the purpose of providing treated seawater for injection into the Prudhoe Bay Oilfield,

6. El Segundo, California

a. Disclaimer 09/12/83

b. Corps Permit Not retrieved from files or
archives in time for lodging

AGREEMENT

Pursuant to Section 6301.7 of the Public Resources Code, as amended

WHEREAS, by virtue of its sovereignty the State of California is the owner of certain tidelands and submerged lands within the State;

WHEREAS, the State Lands Commission, pursuant to Section 6201 of the Public Resources Code:

" . . . has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State. . .";

WHEREAS, the State Lands Commission has amended Lease PRC 5574.1 to lease to Chevron U.S.A. Inc. a portion of the tide and submerged lands along the coast of the Pacific Ocean between the northerly and southerly boundaries of the City of El Segundo, County of Los Angeles, and Chevron U.S.A. Inc. intends to construct thereon a rock groin extending perpendicular from the coast seaward approximately 900 feet, as shown on plans on file in the offices of the State Lands Commission under Lease PRC 5574.1;

WHEREAS, construction of the proposed rock groin would affect the location of the three-mile offshore ownership boundary of the State separating outer continental shelf lands of the United States from tide and submerged

1 lands owned by the State of California;

2 WHEREAS, the United States Supreme Court in a
3 Supplemental Decree in United States v. California (Original
4 No. 5) entered on January 31, 1966, decreed that the
5 offshore State ownership boundary is located three
6 geographical miles seaward from the nearest point or points
7 on the "coast line" and that the term "coast line" means
8 in part: (1) the line of mean lower low water on the
9 mainland, (2) that line as heretofore or hereafter modified
10 by natural or artificial means, and (3) the outermost
11 permanent harbor works that form an integral part of the
12 harbor system within the meaning of Article 8 of the
13 Convention on the Territorial Seas and the Contiguous Zone,
14 T.I.A.S. No. 5639;

15 WHEREAS, when constructed, the proposed rock groin
16 would become a salient qualifying basepoint from which to
17 locate the three-mile offshore ownership boundary, with
18 the effect of moving the boundary several hundred feet
19 further seaward, and thereby transferring ownership of
20 approximately 100 acres of Outer Continental Shelf lands
21 of the United States into state ownership;

22 WHEREAS, therefore the United States has objected
23 to the construction of the proposed rock groin;

24 WHEREAS, such objection may be removed if the
25 State of California agrees to waive any change in the
26 boundary between State-owned submerged lands and outer
27 continental shelf lands of the United States, as a result

1 of construction of the proposed rock groin;

2 WHEREAS, Section 6301.7 of the Public Resources
3 Code, as amended, provides:

4
5 "The commission may negotiate with, and with the
6 approval of the Governor, may enter into
7 agreements with, the United States, or any
8 official, agency, licensee, permittee, or lessee
9 thereof, concerning the effect, if any, of any
10 existing or proposed or projected fill, dredging,
11 or construction operations or other activities
12 on or adjacent to tide and submerged lands within
13 the County of Los Angeles or Ventura upon the
14 boundary between state-owned submerged lands and
15 the outer continental shelf lands under the
16 jurisdiction of the United States, or concerning
17 the location of that boundary. The agreements
18 may include, but are not limited to, a waiver
19 on behalf of the State of California of any
20 state-owned submerged lands which would otherwise
21 inure to the state as a result of any such fill,
22 dredging, or construction operations, or other
23 activities. The commission shall before entering
24 into any such agreement, find that the agreement
25 is in the public interest."

26 WHEREAS, the State Lands Commission at its
27 regularly scheduled meeting on August 25, 1983, approved
28 "... the waiver of interest in the area created by the
29 movement of offshore boundary as a result of the groin
30 placement authorized under the amendment of Lease
31 PRC 5574.1."

32 NOW, THEREFORE, by virtue of Section 6301.7 of
33 the Public Resources Code, as amended, the State by and
34 through the State Lands Commission and with the approval
35 of the Governor waives on behalf of the State of California
36 any State-owned tide and submerged lands which would
37 otherwise inure to the state as a result of construction

1 of the proposed rock groin on tide and submerged lands
2 leased by the State Lands Commission to Chevron U.S.A. Inc.,
3 under Lease No. 5574.1, pursuant to plans on file in the
4 office of the State Lands Commission.

5 This Agreement is solely a waiver of the effect,
6 if any, of the construction of the rock groin as shown on
7 plans submitted by Chevron U.S.A. Inc. on file in the office
8 of the State Lands Commission under tide and submerged lands
9 Lease PRC 5574.1, on the offshore ownership boundary of
10 the State of California and is in no way an agreement as
11 to the location of that boundary by either the State of
12 California or the United States.

13 This Agreement is conditional upon construction
14 of that groin authorized in State Lands Commission Lease

15 / /

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1 PRC 5574.1, and shall be null and void if, for any reason,
2 said groin is not constructed.

3 ACCEPTED:

4 UNITED STATES OF AMERICA

STATE OF CALIFORNIA
acting by and through
STATE LANDS COMMISSION

5
6 By _____

By *Clair H. Hedrick*
Clair H. Hedrick
Executive Officer

7
8 Date _____

Date 9-17-93

9 IN APPROVAL WHEREOF, I,
GEORGE DEUKNEJIAN

10 Governor of the State of
11 California have set my hand
12 and caused the Seal of the State
13 of California to be hereunto
14 affixed pursuant to
15 Section 6301.7 of the Public
16 Resources Code of the State
17 of California. Given under my
18 hand at the City of Sacramento,
19 this, the _____ day of
20 _____, in the year
21 of our Lord one thousand nine
22 hundred and eighty-three.

23 _____
Governor of State

24 Attest:

25 _____
Secretary of State

26 APPROVED AS TO FORM:

27 JOHN VAN DE KAMP,
ATTORNEY GENERAL

By *M. Byron Taylor*
Assistant Attorney General

7. Endicott, Alaska

a. Disclaimer 05/03/84

b. Corps Permit Not retrieved from files or
archives in time for lodging

DISCLAIMER

WHEREAS, the Sohio Alaska Petroleum Company ("Sohio") has applied to the United States Army Corps of Engineers for a permit to construct the Endicott project causeway in the Beaufort Sea;

WHEREAS, the project for which Sohio is seeking the Corps of Engineers permit is fundamental to economic development of proven hydrocarbon reserves from state lands in the area;

WHEREAS, both statewide and nationwide benefits will be derived from the Endicott project through increased domestic energy supplies, increased revenues generated, and increased infrastructure on the North Slope;

WHEREAS, under the Submerged Lands Act, 43 U.S.C. §§ 1301 et seq., construction of such a facility might affect the location of the coast line and boundary of the State of Alaska, including the offshore boundary between the outer continental shelf and state-owned lands beneath navigable water;

WHEREAS, under 33 C.F.R. § 320.4(f), the Corps of Engineers is required to consult with the United States Attorney General and the Solicitor of the Department of the Interior if a project for which a permit is sought might affect the coast line;

WHEREAS, the Corps of Engineers has consulted the Attorney General and the Solicitor pursuant to 33 C.F.R. § 320.4(f);

WHEREAS, the Corps of Engineers has been requested by the Attorney General and the Solicitor to withhold approval of Sohio's permit application because of the potential effect on Alaska's coast line;

WHEREAS, the Corps of Engineers has determined that it will not issue such a permit over the Attorney General's and the Solicitor's objections on this ground;

WHEREAS, the Attorney General's and the Solicitor's objections to the permit application on this ground would be removed if a binding disclaimer is entered by the State of Alaska to the effect that Alaska does not, and will not, treat the Endicott project causeway as extending its coast line for purposes of the Submerged Lands Act;

WHEREAS, the Alaska Attorney General, in a formal opinion dated October 29, 1980, concluded that the Alaska Commissioner of Natural Resources has the power to issue such a disclaimer;

WHEREAS, Alaska would enter such a disclaimer without objection if the Corps of Engineers has the legal authority to require the state to enter such a disclaimer before issuing such a permit;

WHEREAS, Alaska and the United States disagree as to whether the Corps of Engineers has the legal authority to require the state to enter such a disclaimer before issuing such a permit;

WHEREAS, Alaska would not enter such a disclaimer but for the Corps of Engineers' determination that it will not issue the permit unless such a disclaimer is entered, thereby removing the Attorney General's and the Solicitor's objections to issuance of the permit;

WHEREAS, it is neither in the United States' interest nor in Alaska's interest to delay construction of the Endicott project causeway while the question of the Corps of Engineers' legal authority to require such a disclaimer is resolved;

WHEREAS, this disclaimer is entered without prejudice to Alaska's right to file an appropriate action to determine whether the Corps of Engineers has the legal authority to require such a disclaimer prior to issuing such a permit;

WHEREAS, this disclaimer is fully effective and binding upon the State of Alaska, but becomes ineffective and without force and effect upon a final determination by a court of competent jurisdiction that the Corps of Engineers does not have the legal authority to require such a disclaimer prior to issuing such a permit; and

WHEREAS, it is the intent of both the United States and Alaska that this disclaimer remove the Attorney General's and the Solicitor's objections to issuance of the permit for construction of the Endicott project causeway, thereby allowing the construction to proceed, while at the same time preserving both the United States' legitimate interest in not having Alaska's coast line extended if the Corps of Engineers has the legal authority to require such a disclaimer prior to issuing such a permit and Alaska's interest in not being bound by such a disclaimer if the Corps of Engineers does not have such legal authority;

THEREFORE, the State of Alaska, acting by and through the Commissioner of Natural Resources, pursuant to the authority granted to the commissioner by arc. VIII, sec. 1 of the Alaska Constitution, AS 38.05.020(b), AS 38.05.027(a), AS 38.05.035(a)(14), and AS 38.05.0315(a), declares and agrees as follows:

1. Subject to paragraph 4 below, the State of Alaska agrees that the coast line and the boundaries of the State of Alaska are not to be deemed to be in any way affected by the

construction, maintenance, or operations of the Endicott project causeway. This document should be construed as a binding disclaimer by the State of Alaska to the effect that the state does not, and will not, treat the Endicott project causeway as extending its coast line for purposes of the Submerged Lands Act, again subject to paragraph 4 below.

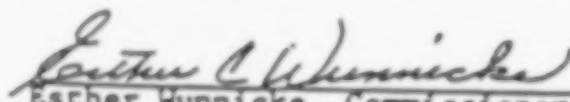
2. This disclaimer is executed solely for the purpose of complying with the conditions recommended by the Solicitor of the Department of the Interior and the Attorney General and maintains the status quo of the baseline and the state-federal boundary. It does not affect property or claims to which Alaska is now entitled. It is not an admission by the State of Alaska or by the United States as to the present location of the shoreline, coast line, or the boundaries of the State of Alaska, and is without prejudice to any contention that any party may now or hereafter make regarding such present location.

3. This disclaimer is entered without prejudice to Alaska's right to file an appropriate action leading to a determination whether the Corps of Engineers has the legal authority to require such a disclaimer before issuing a permit for a project which might affect the coast line.

4. This disclaimer becomes ineffective and without force and effect upon a final determination by a court of competent jurisdiction in any appropriate action that the Corps of Engineers does not have the legal authority to require such a disclaimer before issuing a permit for a project which might affect the coast line.

DATED: May 31, 1984.

STATE OF ALASKA



Esther Wunnicke, Commissioner
Department of Natural Resources

8. Holly Beach, Louisiana

Disclaimer/Corps Permit , 02/25/81



501/24

Submitting to written request dated October 22, 1953 for a permit to
 (1) Parting work in or affecting navigable waters of the United States upon the recommendation of the Chief of Engineers
Consent to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403)
 (2) Disposing dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army
Disposing through the Chief of Engineers pursuant to Section 106 of the Marine Protection, Research and
Administration Act of 1972 (33 Stat. 1223; 16 U.S.C. 1361-1362)

Louisiana Department of
Transportation and Development
Office of Highway
Main Office 900 100th, Capital Station
New Orleans, Louisiana 70004
Attn: Mr. J. B. Williams, Jr., Director

6. *Pracell est munita de 1000000 de cartusii controlati.*

in the cult of Mexico,

② near Holly Beach, Louisiana; in Cameron Parish;

[illegible]

CONFIDENTIAL

COMING NEXT WEEK

[illegible]

[illegible]

FD-302a (Rev. 1-25-60)

U.S. Department of Commerce, NOAA
National Marine Fisheries Service
2215 R Street
Lanham, Virginia 20646

4444

1(a)8

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into navigable United States or ocean waters, to all such activities with applicable water quality standards, effluent limitations and standards of performance, prohibitions, prohibition standards and discharge prohibitions provided or required by the Clean Water Act (96 U.S.C. 860), the Marine Protection, Research and Monitoring Act of 1972 (P.L. 92-583) or laws, orders or regulations applicable thereto and based thereon.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant contained therein or its residue, into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan submitted to such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be necessary under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to provide the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife and natural environmental values.

f. That the permittee agrees that he will provide the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall advise the District Engineer or his authorized representative or designated agent in writing in advance of any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

i. That the permittee does not encroach any property rights either in real estate or personal, or any easement, privilege, and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain State or local consent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked at will or in part pursuant to the policies and procedures of 33 CFR 320.1.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially misleading or incomplete, this permit may be modified, suspended or revoked in whole or in part and/or the Government may, in addition, initiate appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer of this permit the activity authorized herein shall be completed for or extension of the term of such permit as the District Engineer may determine. The permittee shall notify the District Engineer of any extension of more than one week, suspension of work or the completion.

o. That if the activity authorized herein is not completed within the 30 day of May 19 89 time period from the date of issuance of this permit unless otherwise specified in a permit, if not previously extended, the permit shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the construction or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, subject to the conditions as part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to United States law, he must submit the same to a condition conforming to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall cause such action as may be necessary to record this permit with the Registrar of Titles or other appropriate official charged with the responsibility for maintaining records of title to real interests in real property.



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20315

C 409-70

8 SEP 1984

MEMORANDUM FOR THE DIRECTOR OF CIVIL WORKS

SUBJECT: Territorial Base Permits

This is in response to your memorandum of August 16, 1984, forwarding the two permit cases in the New Orleans District where the District Engineer made the initial determination that the projects might effect the coast line or base line.

Subsequent to that memorandum, the application for the Terrebonne Parish breakwaters in Trinity Bay was withdrawn. I am returning that file so that the District Engineer may take necessary action.

In regard to the Louisiana Department of Transportation and Development (LDOTD) permit for erosion control structures, it appears that the District Engineer has determined that the project will not alter the base line provided a special condition is added to the permit. This is based on his letter of August 7, 1984, paragraph 2(f)(3). If you concur that the base line would not be altered, you may inform the District Engineer that he may proceed to issue the permit.

I understand that LDOTD informally indicated they have no problem with the special condition being added to the permit.

After the District Engineer has taken final action on each of these files, please provide copies of letters to the Departments of Interior and Justice officials with whom these actions were coordinated informing them of the final action in each case, and the basis thereof.

Robert A. Dawson
Robert A. Dawson
Acting Assistant Secretary of the Army
(Civil Works)

Enclosures

9. Red Dog, Alaska

- a. Disclaimer No disclaimer requested
- b. Corps Permit 10/23/85

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET DIVISION OF GOVERNMENTAL COORDINATION

BILL SHEFFIELD, GOVERNOR

CENTRAL OFFICE

POUCH AW
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHEAST REGIONAL OFFICE

431 North Franklin
Pouch AW, Suite 101
Juneau, AK 99811-0165
Phone: (907) 465-3562

SOUTHCENTRAL REGIONAL OFFICE

2600 Denali Street
Suite 700
Anchorage, AK 99503-2798
Phone: (907) 274-1581

NORTHERN REGIONAL OFFICE

675 Seventh Avenue
Station H
Fairbanks, AK 99701-4596
Phone: (907) 456-3084

Registered Mail
Return Receipt
Requested

August 6, 1984

Mr. Harry Noah
Cominco Alaska
5660 "B" Street
Anchorage, AK 99502

Dear Mr. ~~Noah~~: **HARRY**

SUBJECT: RED DOG MINE TITLE 11 PERMIT PACKAGE
STATE I.D. NUMBER AK840525-20C

The Division of Governmental Coordination (DGC) has completed the review of Red Dog mining project against the standards of the Alaska Coastal Management Program. The project proposal consists of an inland open pit lead/zinc mine, mineral concentrator, a coastal shipping facility, and an interconnecting transportation system.

This conclusive consistency determination applies to the federal consistency requirements for your project and the following State and/or federal authorizations as per 6 AAC 50:

1. U.S. Army Corps of Engineers (COE) permits COE 071-OYD-4-840012 and COE 071-OYD-2-837359.
2. Environmental Protection Agency (EPA) National Pollution Discharge Elimination System (NPDES) permits AK-003865-2 and AK-004064-9.
3. Alaska Department of Environmental Conservation (DEC) Certificates of Reasonable Assurance (401) for the permits named above.

Based on our review, the Division concurs that the proposal is

consistent with the Alaska Coastal Management Program provided the following stipulations are added to the NPDES permit AK-004064-9 issued by the EPA:

Page 3 I.B. Effluent Characteristics (outfall 002). Add the following monitoring requirements:

<u>Effluent Characteristics</u>	<u>Effluent Daily Maximum</u>	<u>Limitations 30 day Average</u>	<u>Monitoring Requirements Frequency Sample Types</u>	
Zinc (mg/l)	1.0	.5	Monthly	Grab
Lead (mg/l)	.6	.3	Monthly	Grab
Mercury (mg/l)	0.002	0.001	Monthly	Grab
Cadmium (mg/l)	0.10	0.05	Monthly	Grab

Page 6, II, Add the Following:

E. Monitoring Program Revisions

1. The type and frequency of sampling may be changed depending on the above effluent and field monitoring program results.
2. EPA may require additional monitoring, including biomonitoring if mercury, lead, zinc, cadmium, or oil and grease concentrations exceed effluent limits.

These stipulations are necessary to insure that the parameters included in the water quality monitoring program at the Port Site include sampling for heavy metals as per 6 AAC 80.140 AIR, LAND, AND WATER QUALITY. The text of this standard is provided as an enclosure to this letter.

The National Park Service Right-of-Way permit to construct the transportation system through the Cape Krusenstern National Monument has also been under consideration during this project consistency review of the Title 11 related approvals. The State continues to support the southern corridor through Cape Krusenstern, and finds the COE permit description of the road grade and fill placement through that corridor acceptable at this time. However, we reserve comment on the final recommended terms and conditions applicable to the National Park Service Right-of-Way permit until such time that the State's Department of Natural Resources, NANA-Cominco, and the National Park Service are prepared to jointly develop and implement terms and conditions which will effectively address the concerns and responsibilities of these land management groups. Our postponement of the final consistency review comments on the Right-of-Way is not

Mr. Noah

- 3 -

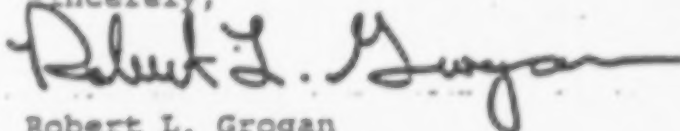
August 6, 1984

intended in any way to hinder progress on the Alaska National Interest Lands Conservation Act, Title 11 permit processing.

By a copy of this letter we are informing the EPA, COE, and the National Park Service of our consistency finding.

Thank you for your cooperation with the Alaska Coastal Management Program.

Sincerely,



Robert L. Grogan
Associate Director

Enclosure

cc: Esther Wunnicke, Commissioner, DNR, Juneau
Dick Neve', Commissioner, DEC, Juneau
Don Collinsworth, Commissioner, DFG, Juneau
Jerry Brossia, District Manager, DNR, Juneau
Douglas Lowery, Regional Supervisor, DEC, Juneau
Al Ott, Regional Supervisor, DFG, Juneau
✓ Fred Wemark, NANA CRSA, Kotzebue
✓ Bill Riley, EPA, Seattle
Joe Williamson, COE, Anchorage
Floyd Sharrock, NPS, Anchorage

STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, has been requested, by Cominco, Incorporated, 5660 "B" Street, Anchorage, Alaska 99502.

The proposed work can be described in two parts:

1. Road connecting the Port Facility and Mine Site: Approximately 3,980,000 cubic yards of fill material will be required to construct a gravel road, including 28 turnouts, in wetlands. The 56.7 mile road will be constructed approximately 6 feet high and 30 feet wide at the crown, with 2:1 side slopes. The dimensions for a typical turnout are 350 feet x 20 feet x 6 feet, with 2:1 side slopes. The road will have a total of 175 culverted crossings and 2 bridge crossings. Gravel material for the road and turnouts will be obtained from several borrow sites. These borrow sites will be permitted at a later date when the exact locations are known.

2. Port Facility: The port will consist of the construction of concentrate transfer facility, dock, upland port facility, and a concentrate storage building. The concentrate transfer facility will consist of ballasting a large ship on the sea floor approximately 4,000 feet offshore. The ship will be ballasted in 35 feet of water and will be used to transfer lead and zinc concentrate from the dock to ocean-going ships. The area dredged for such an action would be 1,000 feet by 150 feet by 5 feet, with the dredged material pumped into the ship's wing tanks to act as ballast (total of 25,000 cubic yards). In addition, 1,000 feet to the north, an area 1,000 feet by 200 feet by 10 feet deep will be dredged to supply ballast for the tanker (total of 75,000 cubic yards). There would be no onshore storage of dredged material. The dock will be 400 feet long and extend to 12 foot water depth offshore with 3:1 side slopes. Twenty-nine thousand (29,000) cubic yards of fill would be needed for the dock, including armor rock located at the toe of the structure. The upland port site will be constructed in wetlands adjacent to the Chukchi Sea and will be used as a staging area for concentrate shipping, the movement of mine supplies, and building materials. The pad will be 510 feet by 265 feet and 10 feet deep. The total fill required is 63,000 cubic yards. The concentrate storage building will be located on the excavated borrow site approximately 2.5 miles from the shore side facility. The building will be 912 feet by 180 feet by 80 feet tall. No fill will be required. The opening of the port lagoon would require the dredging of an opening which would be 60 feet by 370 feet by 12 feet. A total of 15,000 cubic yards of material would be moved. This would be done to allow access to the lagoon for the construction barge to be used in the initial development of the road and port.

The purpose is to develop a road and port facility for the construction and operation of the Red Dog Mine. The road will be an industrial use road constructed to carry 150 ton trucks which will move lead/zinc concentrate from the mine. The road would carry up to 12 truck trips per day plus other assorted mine-related vehicle trips. The port would function approximately 4 months of the year and would act as the incoming and outgoing point for all material for the Red Dog Mine.

September 5, 1984

The proposed port facility is located at the Chukchi Sea near Kivalina, Alaska in Section 10, T.25N., R.24W., Kateel River Meridian. The mine site is located in Section 19, T.31N., R.18W., Kateel River Meridian.

Public Notice of the application for this certification has been made in accordance with 18 AAC 15.180.

Water Quality Certification is required for the proposed activity because the activity will be authorized by a Department of the Army permit identified as Chukchi Sea 9, NPACO 071-OYD-2-630359 and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, is in compliance with the requirements of Section 401 of the Clean Water Act which includes the Alaska Water Quality Standards, 18 AAC 70, and the Standards of the Alaska Coastal Management Program, 6 AAC 80. In accordance with our standard stipulations for similar projects, we recommend that:

1. Adequate culverts are installed and maintained along the access road to assure natural drainage patterns.
2. The concentrate transfer facility and the barge dock are designed to remain stable under anticipated scour, wind and ice forces to minimize the likelihood of fuel and concentrate spills into the Chukchi Sea during transfer and/or storage.

September 5, 1984
Date:

Douglas L. Lowery
Douglas L. Lowery
Regional Environmental Supervisor

Application No. 071-QYD-2-Sub 359

Name of Applicant Cominco Alaska, Incorporated

Effective Date OCT. 23 1985

Expiration Date (if applicable)

File No. Chukchi Sea 9

DEPARTMENT OF THE ARMY
PERMIT

UN 2-0-1869
Div. of Land & Water Mgt.
Cadastral Survey

Referring to written request dated August 1, 1983

for a permit to:

(X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

(X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (16 Stat. 1062; P.L. 92-622);

Cominco Alaska, Incorporated
5660 B Street
Anchorage, Alaska 99502

is hereby authorized by the Secretary of the Army:

a. place approximately 3,980,000 cubic yards (cy) of fill into wetlands to construct a 56.7 mile road with a 30' crown width and twenty-eight 350'x20' turnouts, the fill depth would average approximately 6' deep and have 2:1 side slopes

b. to ground an approximately 155'x1,017' vessel approximately 4,000' seaward of mean high water for part of an ore-transfer facility (continued on 1a)

is below the high tide line of and in wetlands adjacent to the Chukchi Sea

at Kivalina, Alaska

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (see drawings, give file number or other definite identification marks.)

"PROPOSED: ROAD AND PORT FACILITY FILL; IN: CHUKCHI SEA; AT: KIVALINA, ALASKA; APPLICATION BY: COMINCO ALASKA, INCORPORATED; DATE: JANUARY 1984; 13 SHEETS. ALSO SUBJECT TO ADEC SPECIAL CONDITIONS."

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k herein, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1721, Sep 82

EDITION OF 1 JUL 77 IS OBSOLETE

c. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1063), or pursuant to applicable State and local laws, regulations or decrees; and that the activity authorized herein shall be conducted in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

d. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

e. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

f. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

g. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

h. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

i. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

j. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

k. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

l. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

m. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

n. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

o. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

p. That if the activity authorized herein is not completed on or before 31st day of September 1990, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

q. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

r. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

s. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

a. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferor subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

II. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

a. That there shall be no stockpiling nor doublehandling of materials on wetlands adjacent to the project site, without prior approval of the District Engineer.

b. That drainage structures shall be installed and maintained that are adequate to prevent impoundment of water or erosion and drainage of adjacent aquatic areas. These structures will be provided at the time of road construction. If surface drainage is not maintained, additional drainage structures or modifications to existing structures shall be accomplished prior to the following spring breakup.

c. Except for stream crossings, a minimum distance of 100 feet shall be maintained between the toe of the road and the ordinary high water mark of any adjacent lake, river, or stream.

d. That dikes for fuel storage areas shall be designed to hold 110% of the largest independent container within the dike or, if manifolded tanks are used, the total volume plus 10% of the largest set of manifolded tanks. Dikes for permanent fuel storage areas shall be rendered impermeable.

e.(1) To the maximum extent possible the road alignment shall be located at least two miles from any peregrine falcon nest. However, if the road alignment is located within two miles of any peregrine falcon nest site the permittee shall contact the District Engineer for approval prior to construction of that segment of road. Road construction within two miles of any active nest site shall be prohibited from April 15 through August 31.

(2) That within two miles of active peregrine falcon nest sites all activities having high noise levels, e.g. ballasting, operation of heavy construction equipment, etc., shall be prohibited from April 15 through August 31.

(3) That within one mile of active peregrine falcon nest sites aircraft will be required to maintain a minimum altitude of 1,500 feet above nest sites from April 15 through August 31; all ground level activities shall be prohibited from April 15 through August 31; and habitat alterations or the construction of permanent facilities will be prohibited.
(continued on 3a)

The following Special Conditions will be applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING:

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (ten years unless otherwise indicated);

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:

a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or disposal of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Robert K. Oja - President Jan 25/85
PERMITTEE TITLE DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Don M. Fohler 10/23/85
Robert K. Oja, Chief, Regulatory Branch DATE

FOR: DISTRICT ENGINEER, Colonel Wilbur T. Gregory, Jr.

U.S. ARMY, CORPS OF ENGINEERS

Transferee hereby agrees to comply with the terms and conditions of this permit.

DATE

c. to dredge approximately 25,000 cy of seabed material from a 1,000'x150' area with an approximate depth of 5' and approximately 75,000 cy of seabed material from a 1,000'x200' with an approximate depth of 10' and to pump the material into the vessel to be grounded

d. to place approximately 29,000 cy of fill below the high tide line to a depth of 16' for the purpose of constructing a 400' dock with a maximum width of 200'

e. to place approximately 63,000 cy of fill into wetlands for the purpose of constructing a 510'x256'x10' deep staging pad

f. to dredge approximately 15,000 cy of seabed material from an 370'x60' area with an approximate depth of 12' and to deposit the material into two approximately 60'x60' areas adjacent to the dredged area for the purpose of creating an opening to the port lagoon

(4) From April 15 through June 1 of each year all peregrine falcon nests will be considered active nest sites. Nest sites determined not to be occupied after June 1 will be considered inactive and the timing restrictions described in the above paragraphs shall not apply for the remainder of that year.

f.(1) Vessels and aircraft shall avoid concentrations of groups of whales. Operators shall, at all times, conduct their activities at a maximum distance from such concentrations of whales. Under no circumstances, other than an emergency involving immediate danger or destruction of life or property, will aircraft be operated at an altitude lower than 1,000 feet when within 500 lateral yards of groups of whales. Helicopters shall not hover or circle above such areas or within 500 lateral yards of such areas.

(2) When weather conditions do not allow a 1,000 foot flying altitude, such as during severe storms or when cloud cover is low, aircraft will be operated below the 1,000 foot altitude as stipulated above. However, when aircraft are operated at altitudes below 1,000 feet because of weather conditions, the operator will avoid known whale concentration areas and will take precautions to avoid flying directly over or within 500 yards of groups of whales.

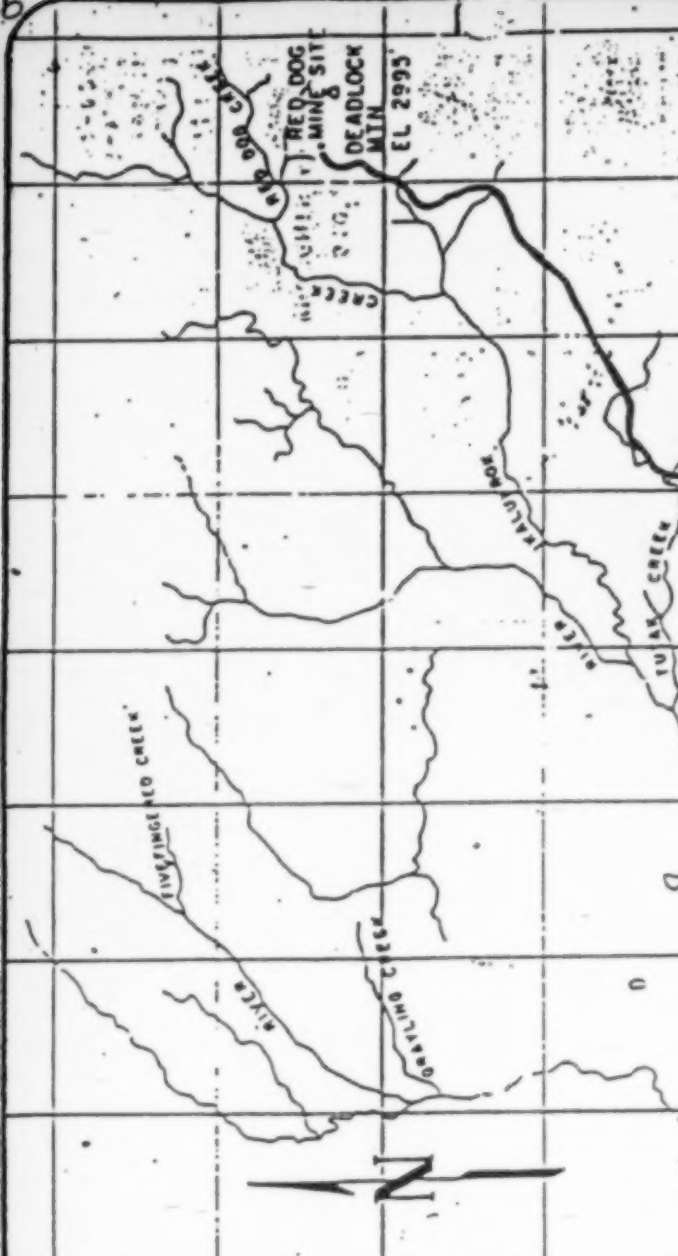
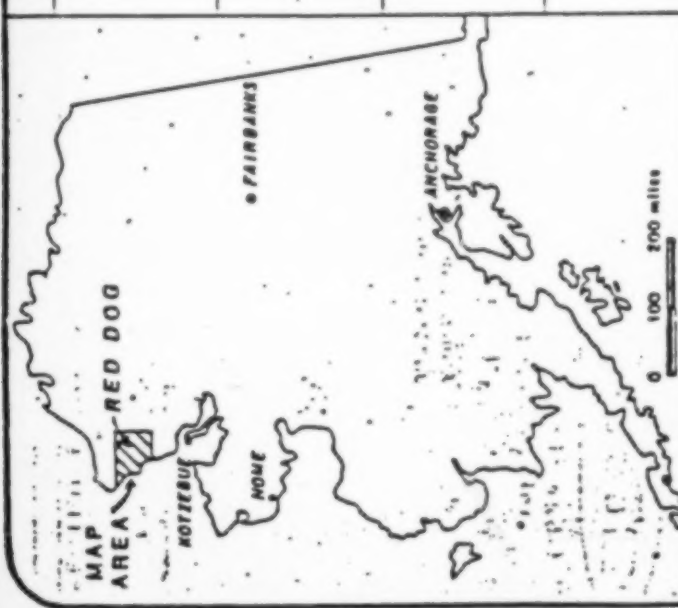
g. When a vessel is operated near a concentrations of whales the operator shall take every precaution to avoid harassment of these animals. Vessels shall reduce speed when within 300 yards of whales and those vessels capable of steering around such groups will do so. Vessels will not be operated in such a way as to separate members of a group of whales from other members of the group.

h. Vessel operators shall avoid multiple changes in direction and speed when within 300 yards of whales. In addition, operators will check the waters immediately adjacent to a vessels to ensure that no whales would be injured when the vessel's propellers [or screws] are engaged.

i. Small boats shall not be operated at such a speed as to make collisions with whales likely. When weather conditions require, such as when visibility drops, vessels will adjust speed accordingly to avoid the likelihood of injury to whales.

j. That the permittee shall establish, in consultation with the Alaska Department of Fish and Game, a caribou monitoring program which will be designed to determine the extent and alteration of traditional movement patterns due to road activities. The monitoring program shall be submitted to the District Engineer for approval within three months of the issuance of the permit.

k. That the permittee shall establish, in consultation with Environmental Protection Agency and the Alaska Department of Environmental Conservation, a water quality monitoring program to determine any cumulative effects of small spills on the marine environment. The monitoring program shall be submitted to the District Engineer for approval within three months of the issuance of the permit.



Vicinity Map



LEGEND

- MONUMENT BOUNDARY
- TRANSPORTATION CORRIDOR



LOCATION MAP

Cominco Alaska
Red Dog Project
Chukchi Sea
071-0YD-2-830350
Sheet 1 of 13 1/84

975

CHUKCHI BEA

PORT SITE

Gravel Pit

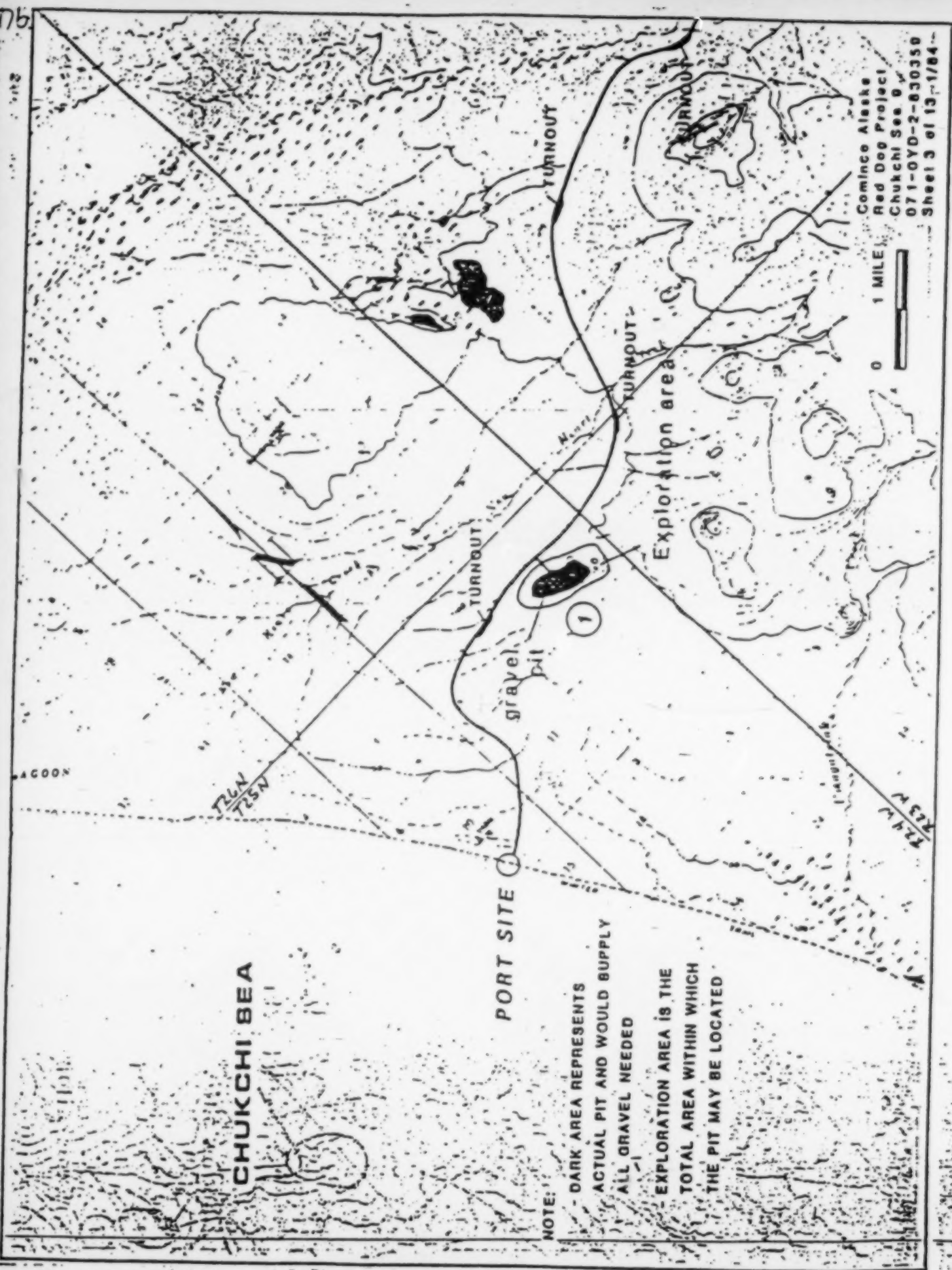
Exploration area

NOTE:

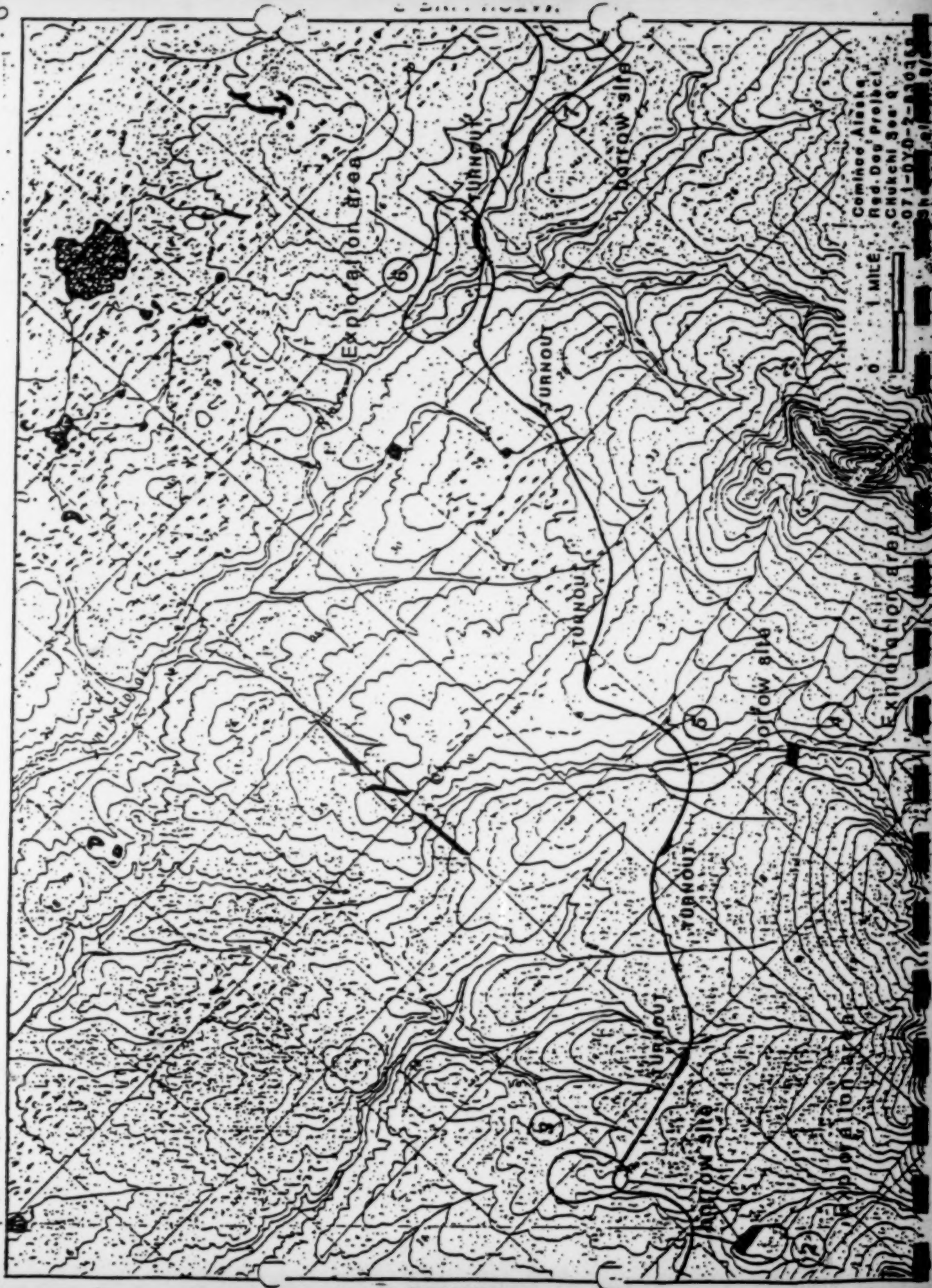
- DARK AREA REPRESENTS ACTUAL PIT AND WOULD SUPPLY ALL GRAVEL NEEDED
- EXPLORATION AREA IS THE TOTAL AREA WITHIN WHICH THE PIT MAY BE LOCATED

0 1 MILE

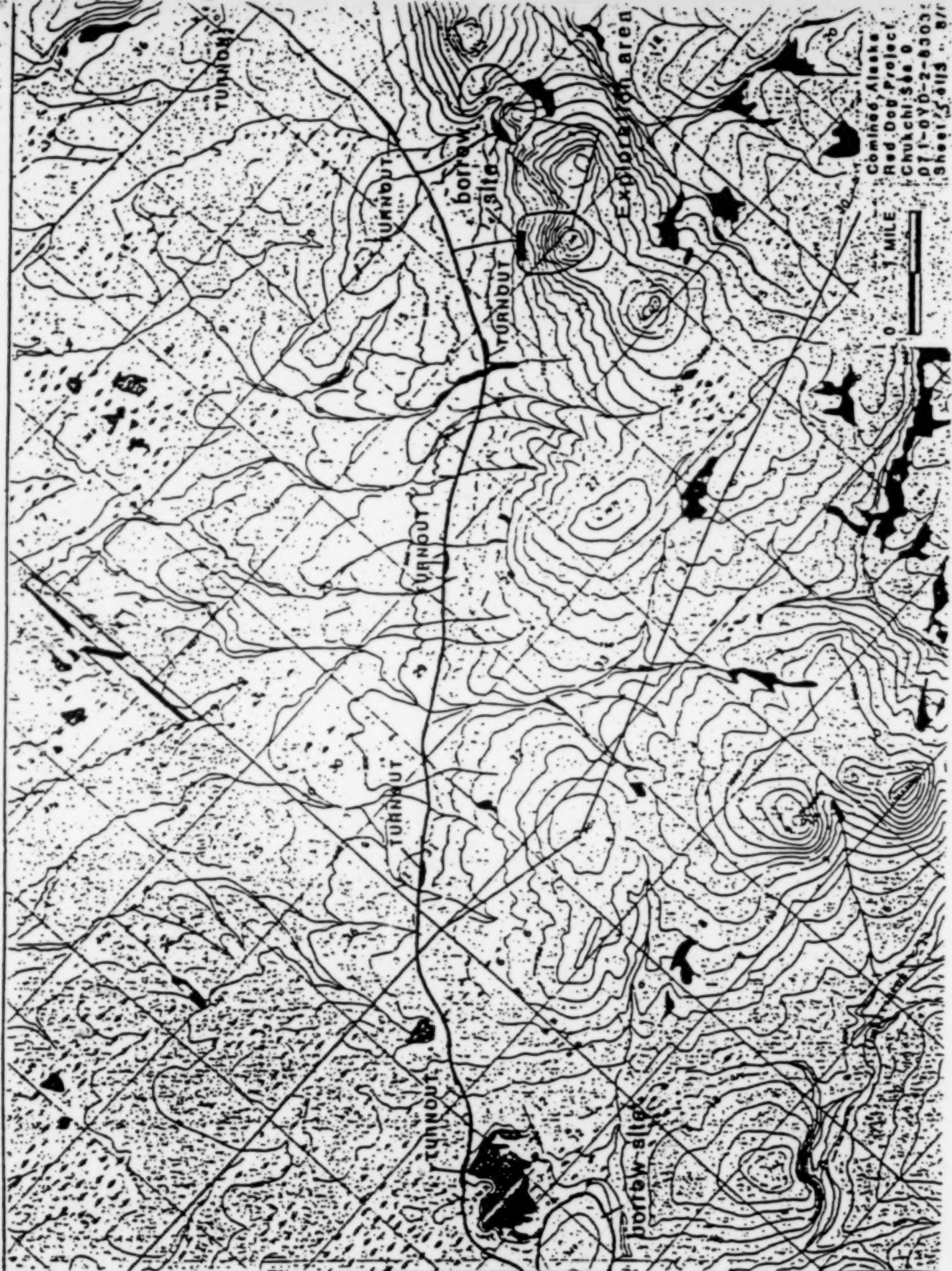
Cominco Alaska
Red Dog Project
Chukchi Sea
071-OYD-2-830350
Sheet 3 of 13 1/84



51(97b



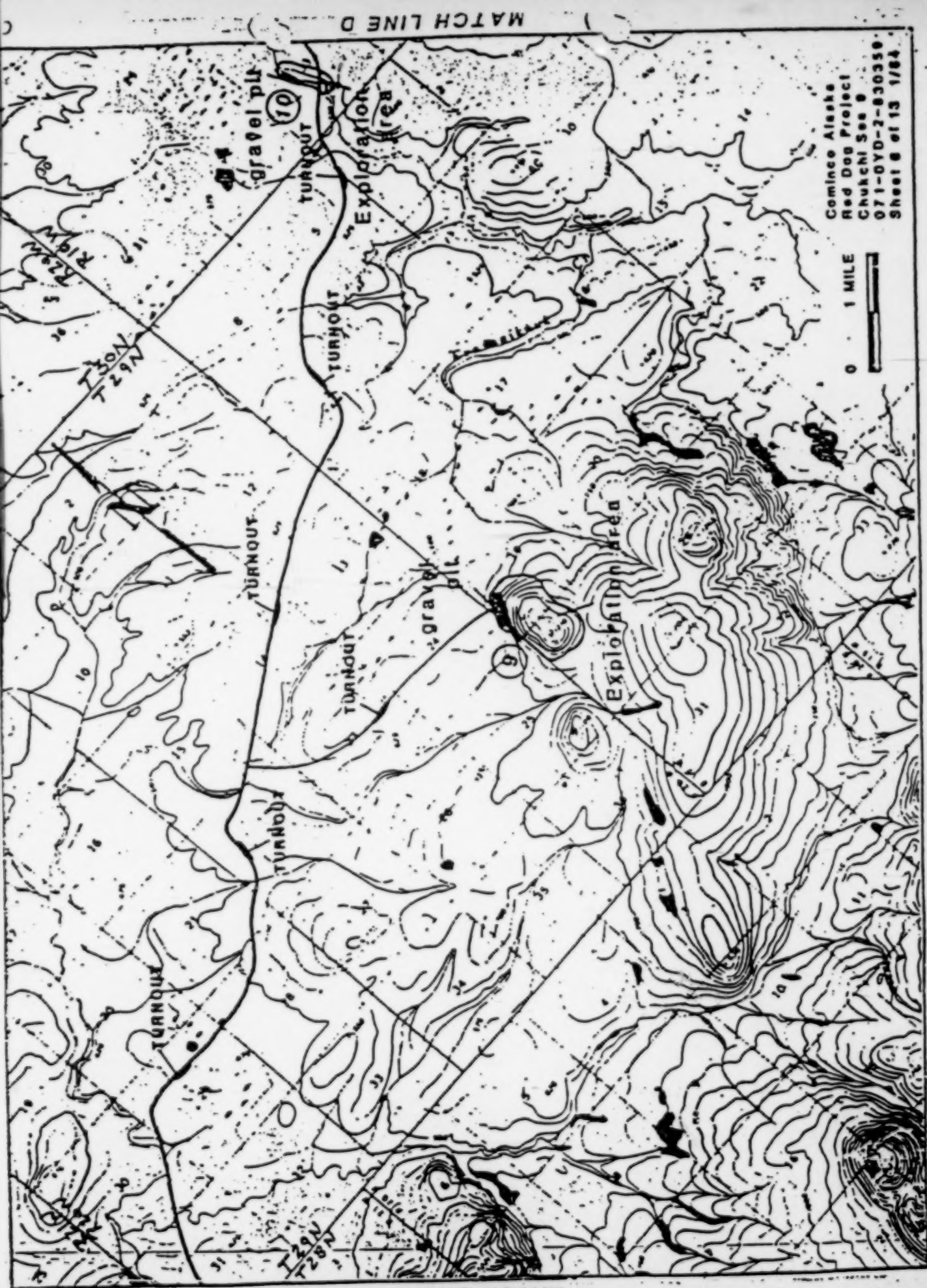
MATCH LINE A



MATCH LINE B

0 1 MILE

Combined Alaska
Red Dog Project
Chukchi Sea
DTI-0YD-2-8303
Sheet 5 of 8

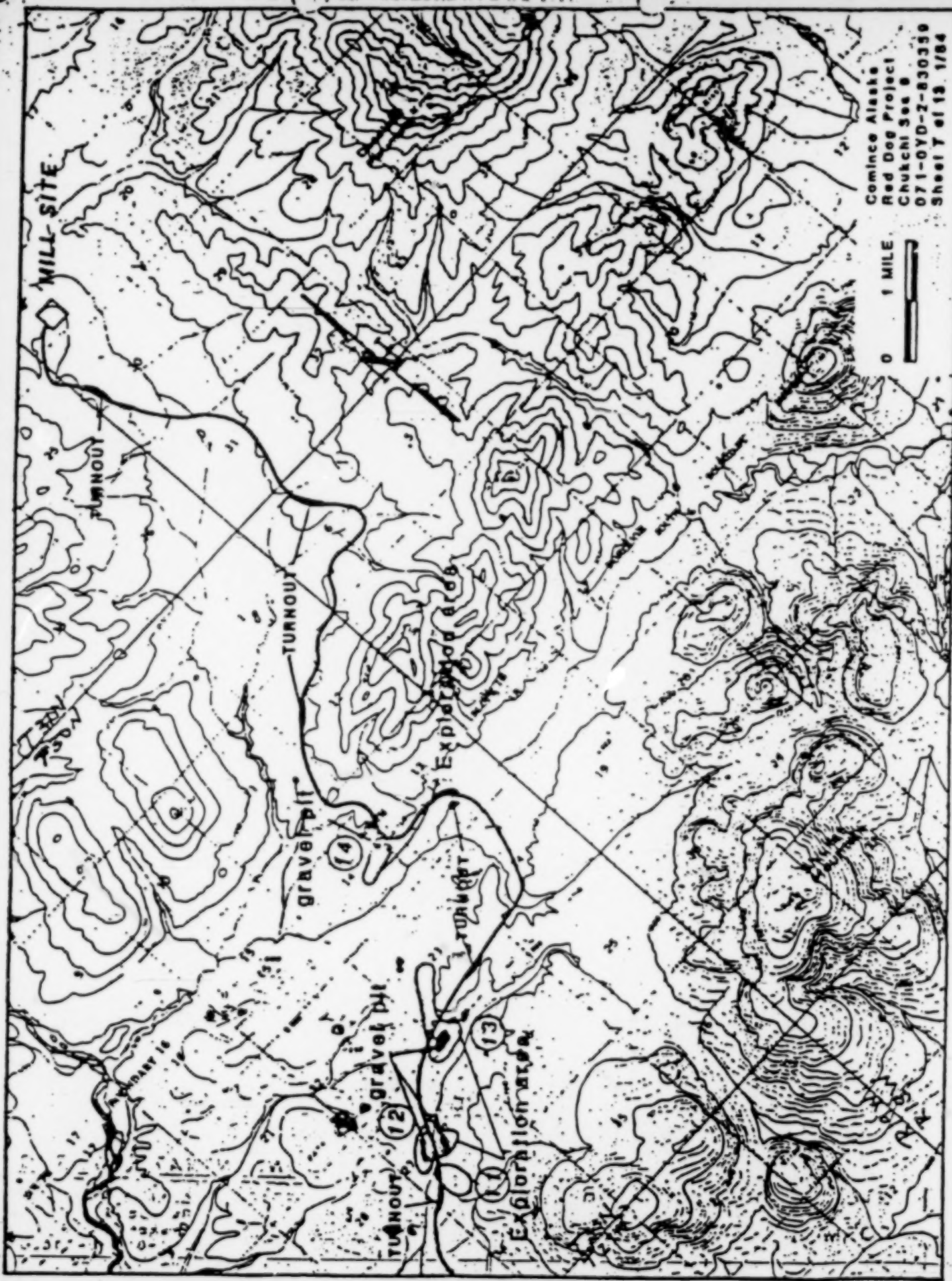


MATCH LINE C

MATCH LINE D

Gominec Alaska
Red Dog Project
Chukchi Sea
071-0YD-2-830359
Sheet 8 of 13 1/84

0 1 MILE



Cominco Alaska
Red Dog Project
Chukchi Sea 8
071-0YD-2-830359
Sheet 7 of 13 1/84

0 1 MILE

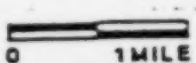
MATCH LINE D

CONCENTRATE STORAGE BUILDING FACILITIES LOCATION

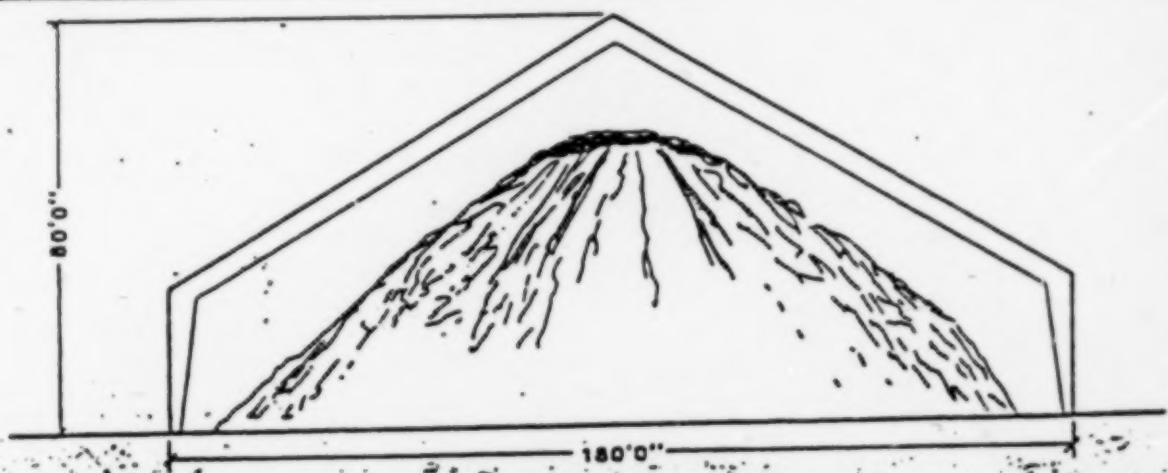
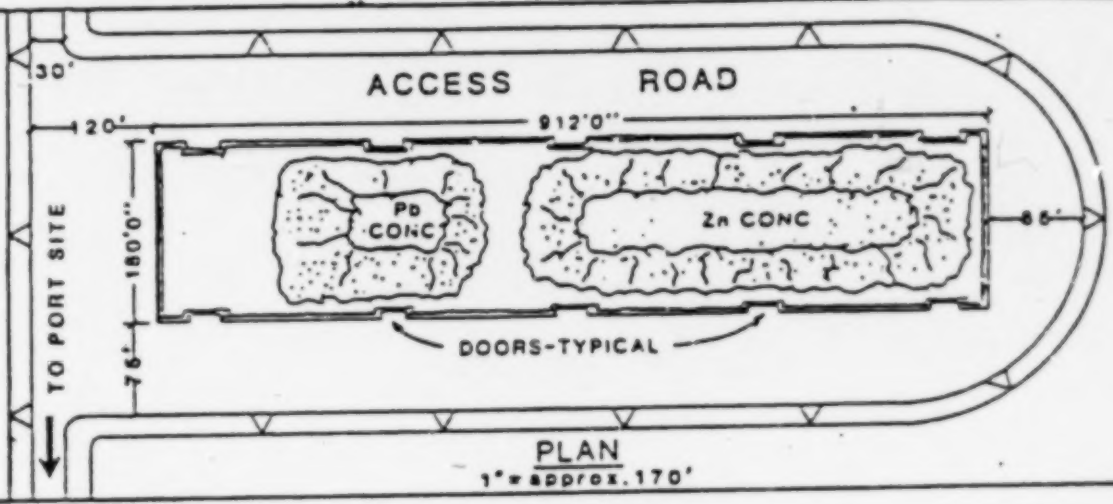
AT MILE 2.6

①

PORT SITE



LOCATION DETAIL



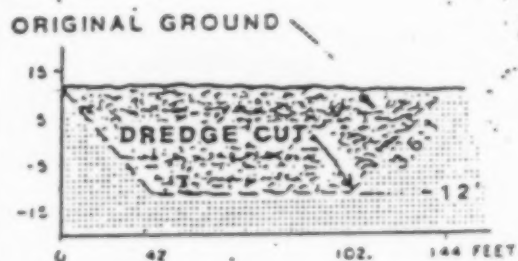
SECTION ELEVATION

FACILITY BUILT ON BEDROCK OF
FORMER BARROW SITE AT PT. ①

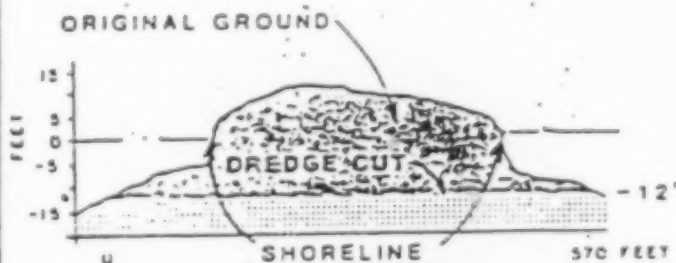
CONCENTRATE STORAGE

Cominco Alaska
Red Dog Project
Chukchi Sea
071-0YD-2-830358
Sheet 8 of 13 1/84

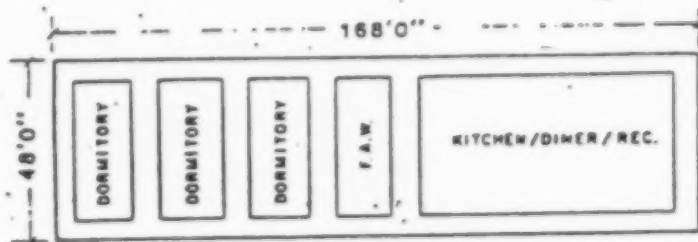
PORT SITE
(See sheet 2 for detail)



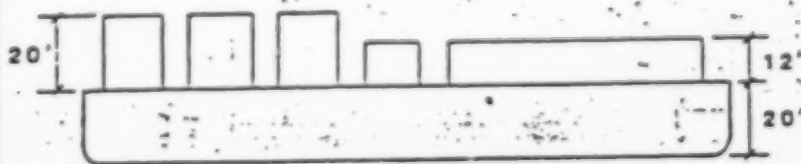
SECTION ELEVATION (B)
hor. 1" = 68' ver. 1" = 40'



SECTION ELEVATION (A)
hor. 1" = 225' ver. 1" = 40'



BARGE LAYOUT
1" = 50'



ELEVATION
1" = 50'

NATURAL BREACH

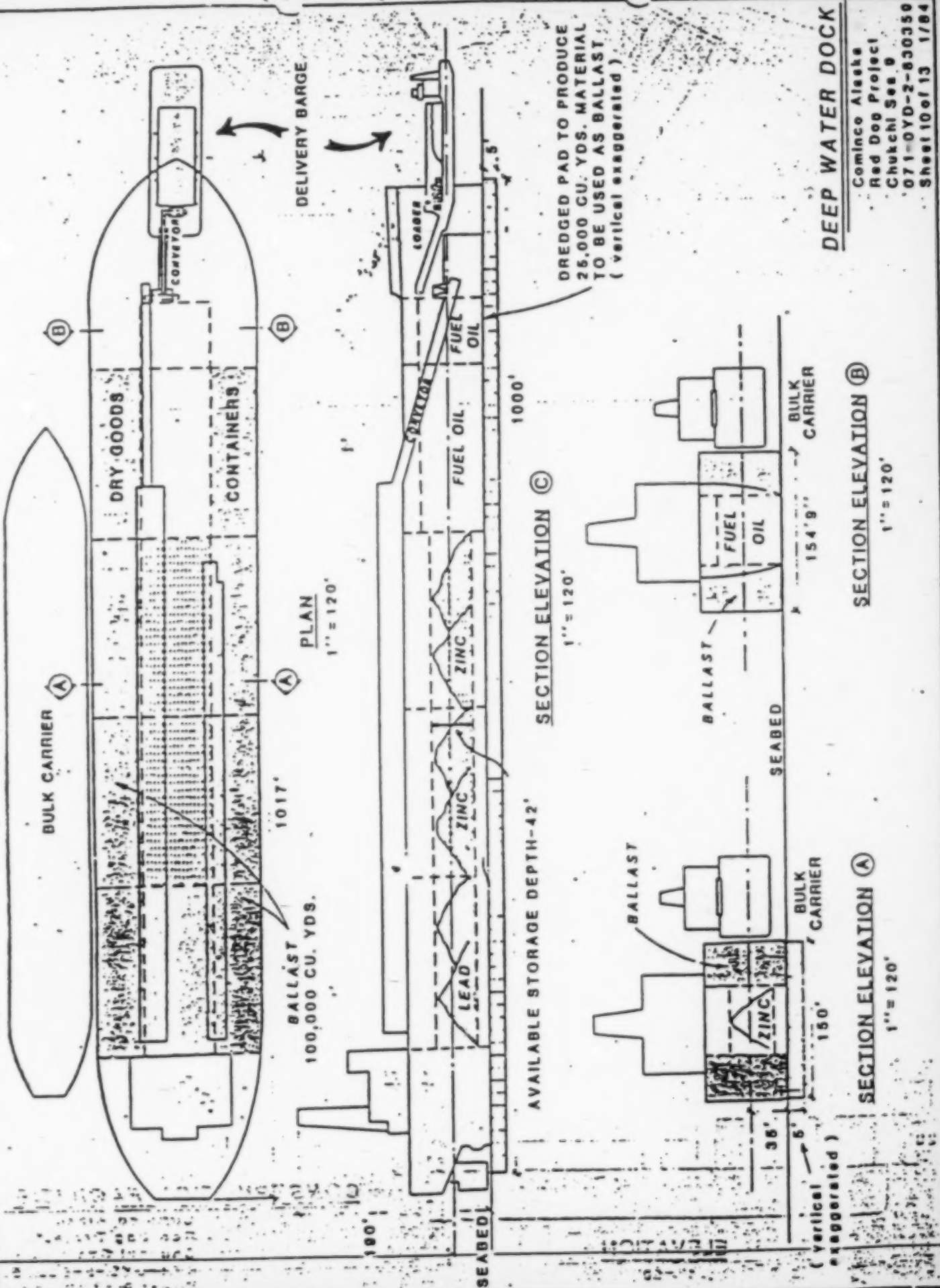
DREDGE SPOILS
15,000 CU. YDS.

DREDGED CHANNEL

NOTE:

CONSTRUCTION FACILITIES

Cominco Alaska
Red Dog Project
Chukchi Sea 9
071-0YD-2-8303
Sheet 9 of 13 1/84



DEEP WATER DOCK

Cominco Alaska
Red Dog Project
Chukchi Sea
071-0YD-2-830350
Sheet 10 of 13 1/84

ORIGINAL GROUND

SLOPE VARIABLE. VOLUME
DEPENDENT ON MATERIAL

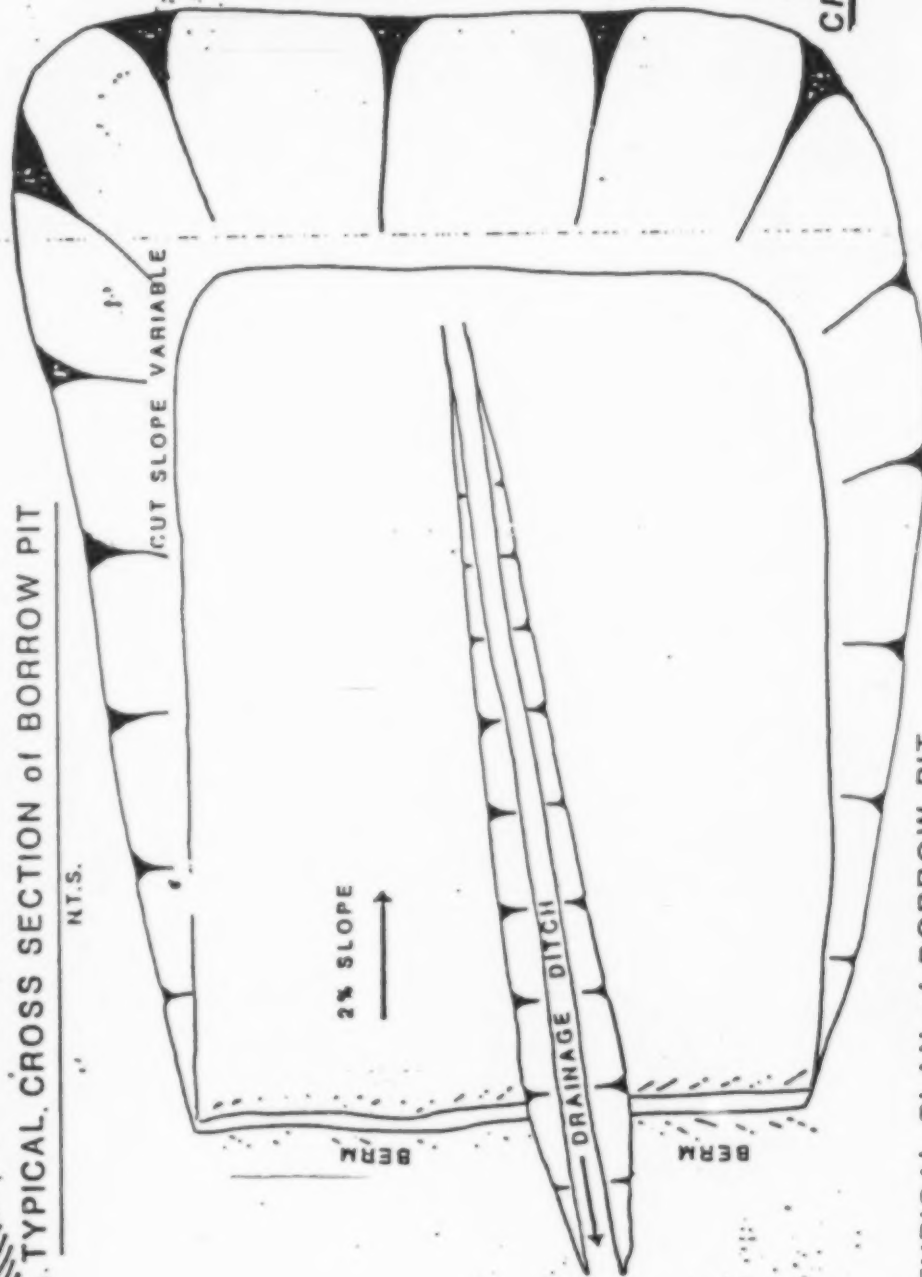
BERM

2% →

← 2% DRAINAGE DITCH

TYPICAL CROSS SECTION of BORROW PIT

N.T.S.



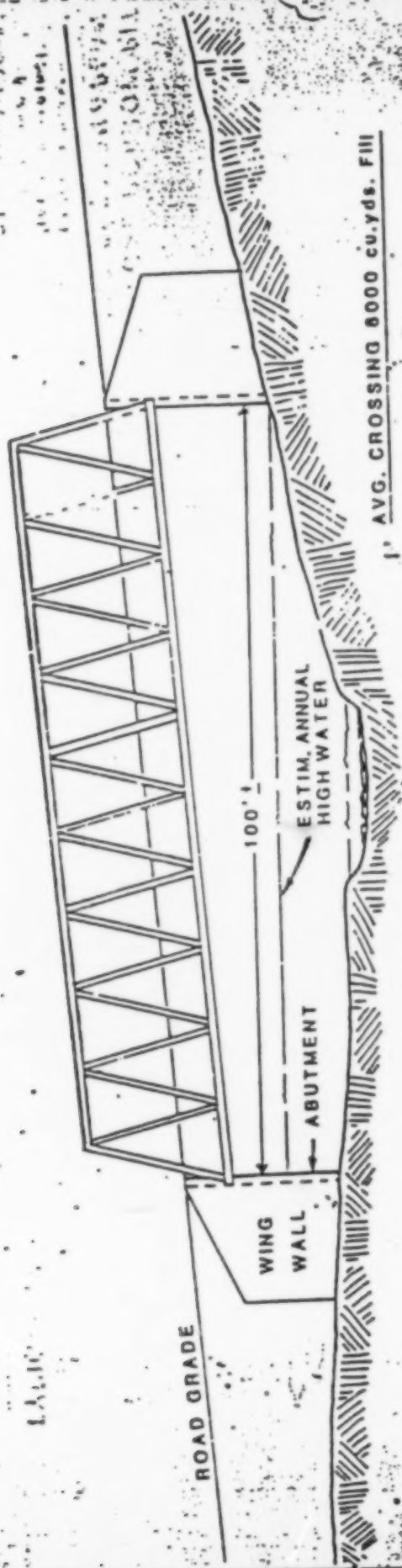
NOTE: VOLUME OF OVERBURDEN
NOT AVAILABLE
NO OVERBURDEN STOCKPILE
SHOWN AT THIS TIME

TYPICAL BORROW P CROSS SECTION & PLA

Cominco Alaska
Red Dog Project
Chukchi Sea
071-0YD-2-B303
Sheet 11 of 13

TYPICAL PLAN of BORROW PIT

N.T.S.



TYPICAL BRIDGE CROSS SECTION

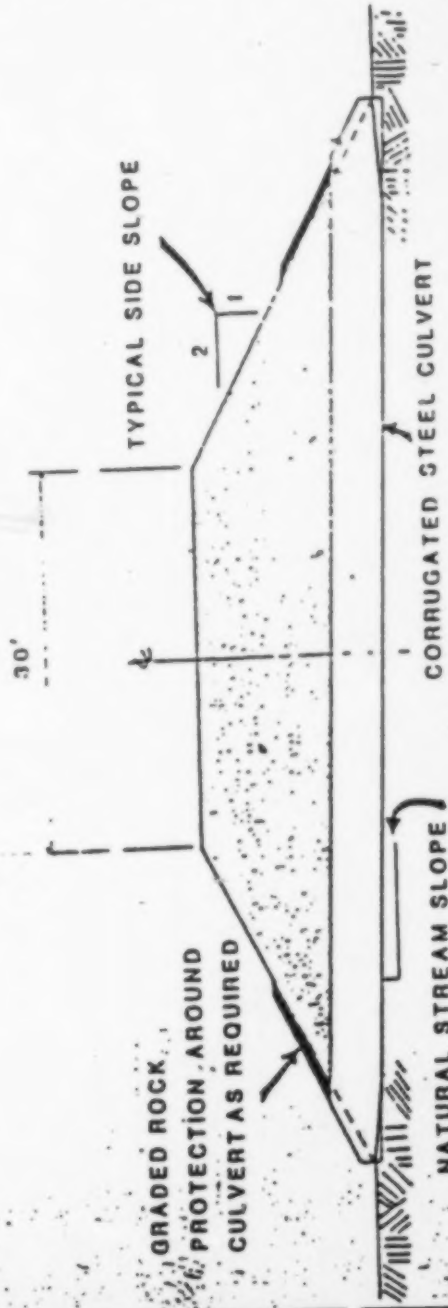
SCALE: HOR. 1"=20' VERT. 1"=10'

EXPLANATION of ROAD

- 56.7 MILES LONG, 30' NOMINAL WIDTH
- W/ GRAVELED SURFACE & AVG. 6" SUBBASE of GRANULAR FILL
- TOTAL FILL : 3,886,000 cu. yds.
- TOTAL CULVERTS : 176
- TOTAL TURNOUTS : 28
- 4000 cu. yds. FILL
- DIM. 50' WIDE X 350' LONG PER TURNOUT
- MAJOR BRIDGES : ONE
- CROSSING of RIVERS & STREAMS : - OMIKVOROK RIVER

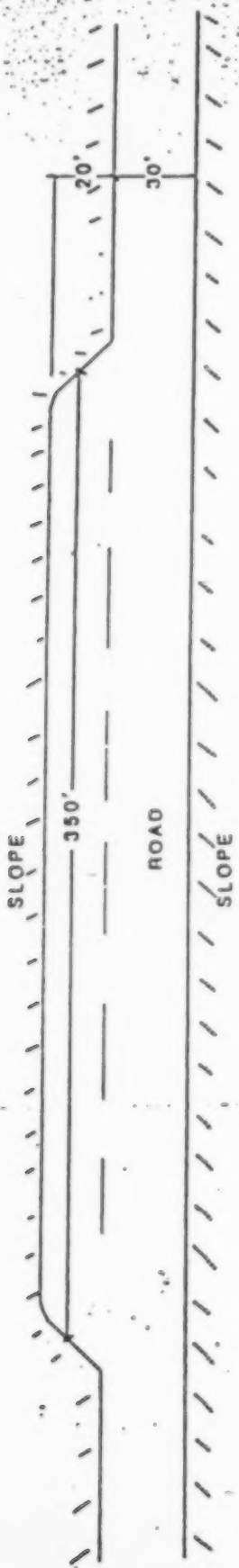
Gomino Alaska
Red Dog Project
Chukchi Sea
0711-0YD-2-830351
Sheet 12 of 13

**BRIDGE & ROAD
CROSS SECTIONS**



TYPICAL ROAD CROSS SECTION SHOWING TYPICAL CULVERT

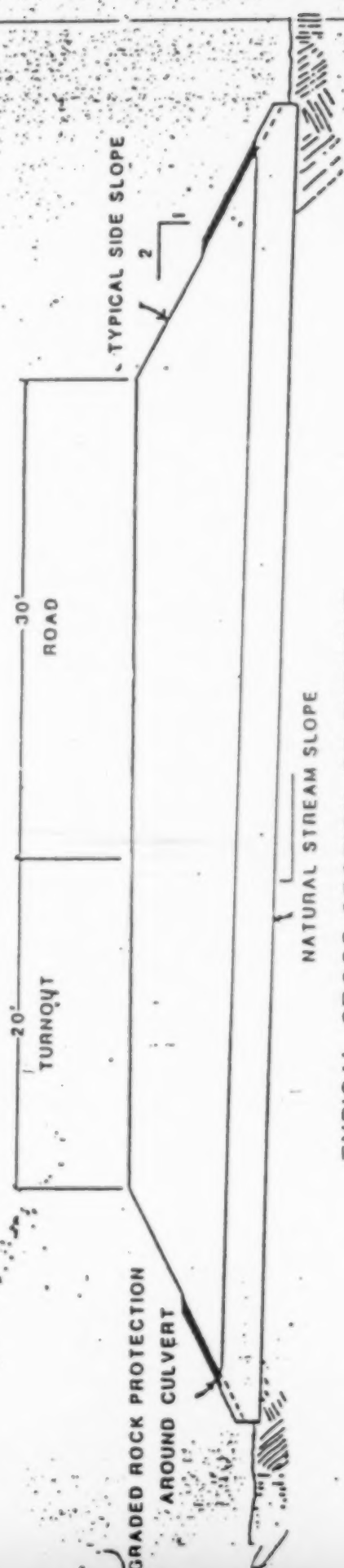
SCALE: HOR. 1"=20' VERT. 1"=10'



TYPICAL PLAN OF TURNOUT
SCALE 1" = 60'

NOTE:

REFER TO SHEET 2 OF 13



TYPICAL CROSS SECTION OF TURNOUT

N.T.S.

TYPICAL TURNOUT

CROSS SECTION & PLAN

Cominco Alaska
Red Dog Project
Chukchi Sea
071-0YD-2-83033
Sheet 13 of 13

10. Cape Nome, Alaska

- a. Disclaimer No disclaimer requested
- b. Corps Permit 05/21/86

Application No. 71-YU-2-00422Name of Applicant City of NomeEffective Date MAY 31 1986

Expiration Date (If applicable) _____

File No. Norton Sound 45

DEPARTMENT OF THE ARMY PERMIT

Referring to written request dated August 5, 1985 for a permit to:

() Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

() Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);

() Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

City of Nome
Post Office Box 211
Nome, Alaska 99762

is hereby authorized by the Secretary of the Army:

to dredge approximately 9,200 cubic yards (cy) of material and place approximately 440,000 cy of dredged and fill material to construct a rock loading jetty and realign a portion of the Nome-Council Road. The 9,200 cy would be dredged to provide stability at the toe of the slope and redeposited within the jetty. A total of 40,000 cy of small rock, sand and gravel and 50,000 cy of A-1 and B-1 armor rock will be used to construct the 300'x100' jetty with 2:1 side slopes. Another 300,000 cy of quarry spalls and armor rock will be placed to realign approximately 8,500' of the roadway having a crown width of 30'

in Norton Sound

at Cape Nome, section 23, T. 12 S., R. 32 W., A.T. 1

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings, give file number or other definite identification marks.)

"PROPOSED: CAPE NOME ROCK LOADING JETTY AND ROAD REALIGNMENT; IN: NORTON SOUND; AT: CAPE NOME, ALASKA; APPLICATION BY: CITY OF NOME; 4 SHEETS; DATED: AUGUST 1985."

subject to the following conditions:

1. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before _____ day of _____, 19_____, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

ii. Special Conditions: *(Here list conditions relating specifically to the proposed structure or work authorized by this permit):*

DNAR

The following Special Conditions will be applicable when appropriate:

STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:

- a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
- b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.
- c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
- d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
- e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

MAINTENANCE DREDGING:

- a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for _____ years from the date of issuance of this permit (*ten years unless otherwise indicated*);
- b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:

- a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230;
- b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.
- c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:

- a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.
- b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or disposal of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

Myrtle Beach City Manager 5/17/86
PERMITTEE TITLE DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Don M. Kohler 5/21/86
Don M. Kohler, Chief, Permit Processing Section
Regulatory Branch DATE

FOR: DISTRICT ENGINEER,

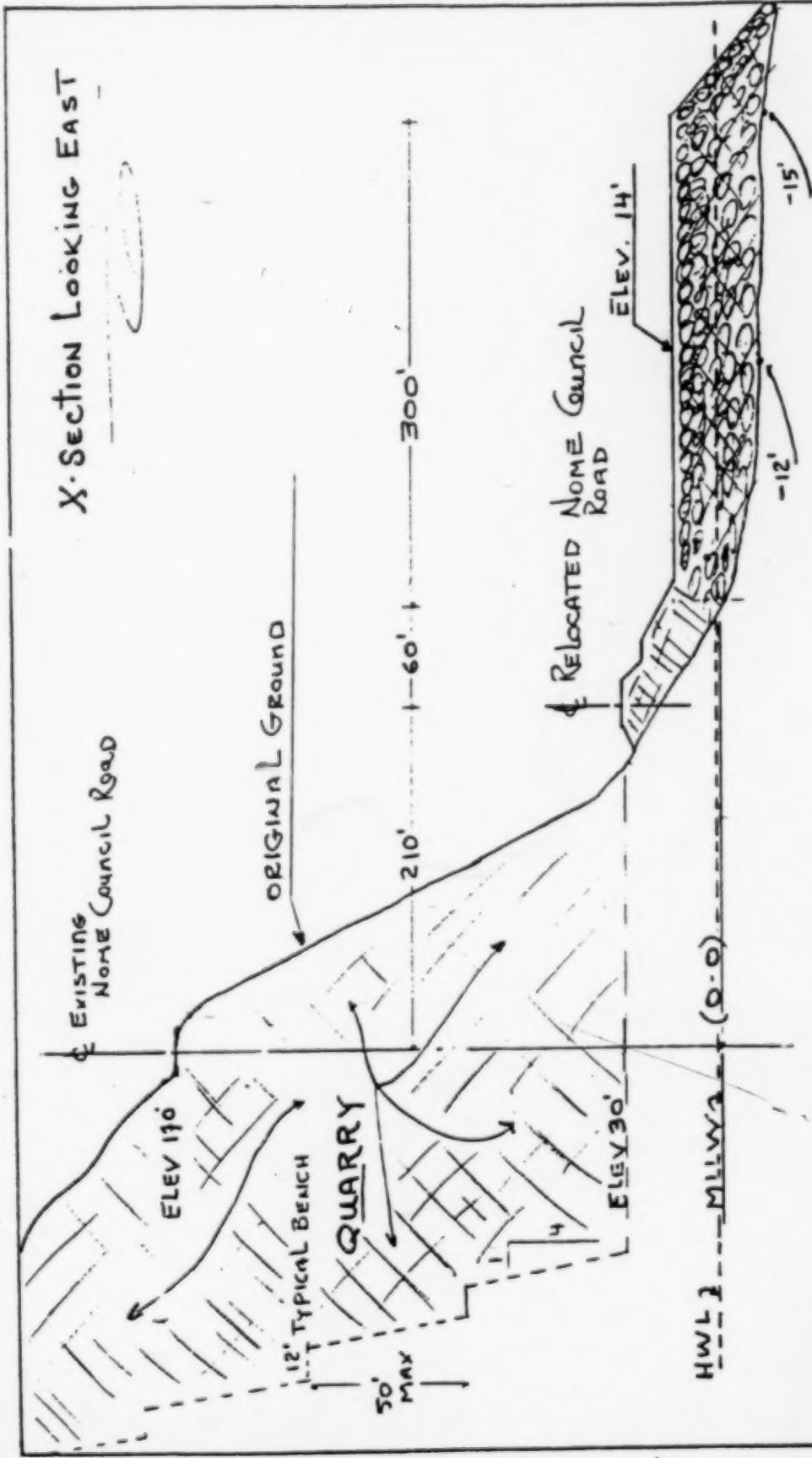
U.S. ARMY, CORPS OF ENGINEERS Colonel Wilbur T. Gregory, Jr.

Transferee hereby agrees to comply with the terms and conditions of this permit.

TRANSFEEE

DATE

X-Section Looking East

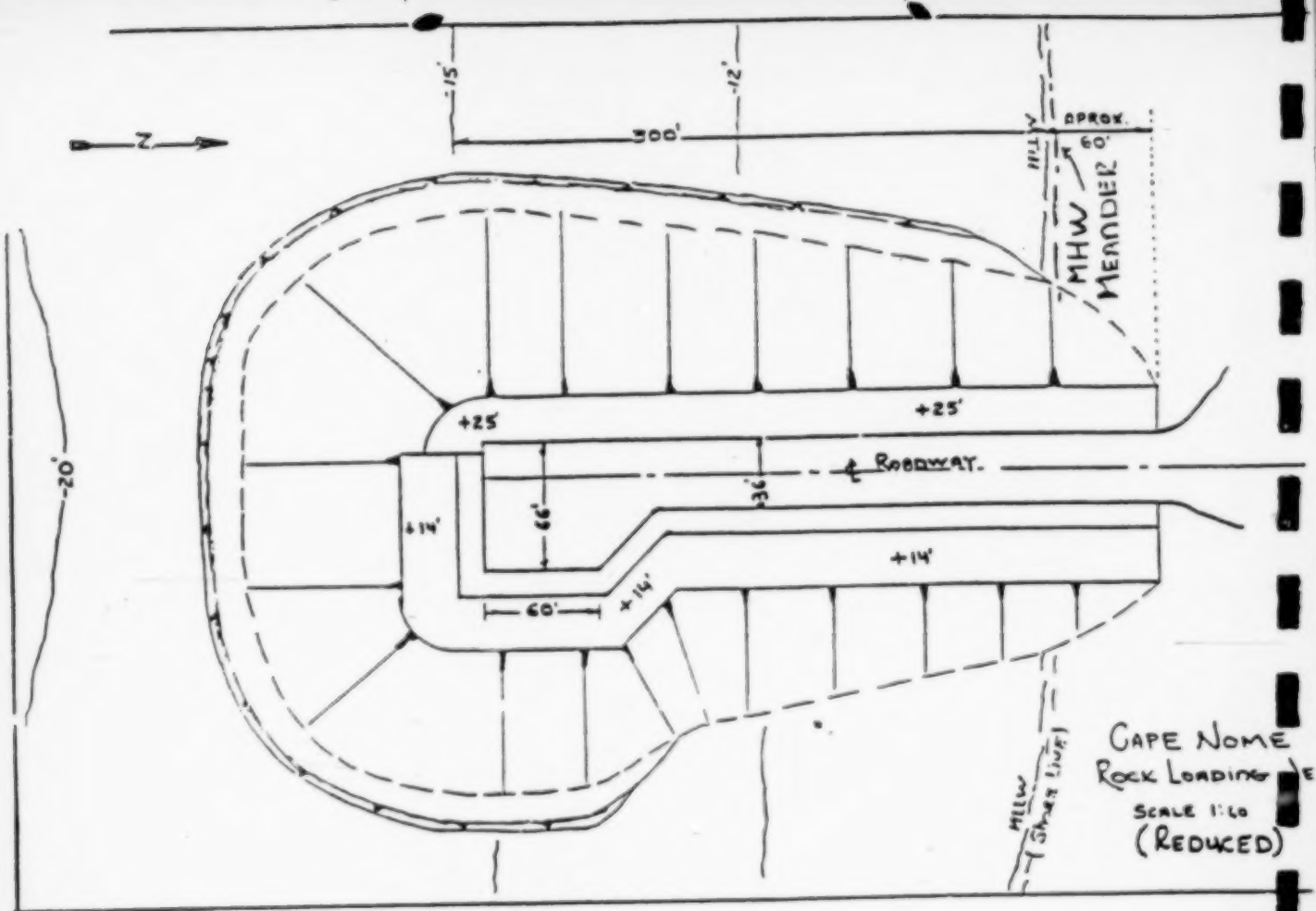


Notes:

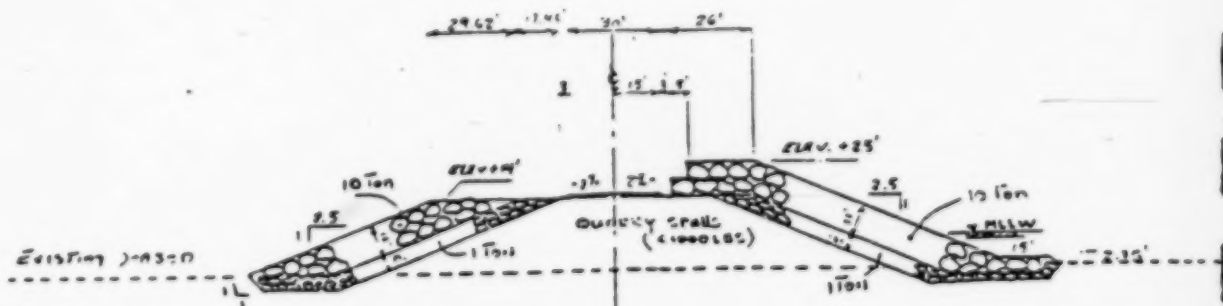
- ① Adjoining Property Owners:
BERING STRAITS NATIVE CORP.
SITNASUAK NATIVE CORP.
DEPT. OF NATURAL RESOURCES
STATE OF ALASKA D.O.T./P.F.
NATIVE ALLIEMENT N818,500 PARCEL A
- ② SCALE AS SHOWN
- ③ ELEV. +30 IS ULTIMATE QUARRY FLOOR

PORT OF NOME CITY OF NOME
CAPE NOME ROCK LOADING JETTY AND ROAD REALIGNMENT
SCALE Date: Aug 1985

6 1985
D.N.A.C.
Permittee
ed by



ELEV. 0.0 CONSIDERED AS MLLW
TIDE RANGE; $-0.5' \rightarrow +1.9'$



CAPE NOME ROCK LOADING JETTY
AND ROAD REALIGNMENT

SCALE

Date: Aug 1985

CAPE NOME ROCK LOADING
TYPICAL SECTION (APPROX)
SCALE 1:40
(REDUCED)

1000

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

BILL SHEFFIELD, GOVERNOR

CENTRAL OFFICE

POUCH AW
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHEAST REGIONAL OFFICE

431 NORTH FRANKLIN
POUCH AW, SUITE 101
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHCENTRAL REGIONAL OFFICE

2600 DENALI STREET
SUITE 700
ANCHORAGE, ALASKA 99503-2798
PHONE: (907) 274-1581

NORTHERN REGIONAL OFFICE

675 SEVENTH AVENUE
STATION H
FAIRBANKS, ALASKA 99701-4586
PHONE: (907) 456-3084

January 8, 1986

Certified Mail
Return Receipt
Requested

Mr. Lyle Larson
City of Nome
P.O. Box 281
Nome, AK 99762

Dear Mr. Larson:

SUBJECT: NORTON SOUND 49; ROCK LOADING JETTY AND REALIGNMENT OF
THE ROAD. STATE I.D. NUMBER AK85112703/F

The Division of Governmental Coordination (DGC) has completed the consistency review of your project in which you propose to construct a rock loading jetty to provide a loading facility for rock mined from the quarry. In order to provide access to the rock loading jetty and to bypass the quarry site, it is also necessary to realign the roadway.

Based on our review, the Division concurs with your consistency certification that the project is consistent with the Alaska Coastal Management Program.

This conclusive consistency determination applies to the following State and federal authorizations as per 6 AAC 50:

U.S. Army Corps of Engineers Section 10 and Section 404
Authorizations

Department of Environmental Conservation 401 Certificate of
Reasonable Assurance

Department of Natural Resources Tidelands Lease

FILE 15770
T
BILL SHEFFIELD, GOVERNOR

JAN 12 1986

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

CENTRAL OFFICE

POUCH AW
JUNEAU, ALASKA 99811
PHONE: (907) 465-3562

SOUTHEAST REGIONAL OFFICE
211 Fourth Street
Pouch AW, Room 306
Juneau, AK 99811
Phone: (907) 465-3562

SOUTHCENTRAL REGIONAL OFFICE
3301 Eagle Street
Suite 307
Anchorage, AK 99503
Phone: (907) 272-3504

NORTHERN REGIONAL OFFICE
675 Seventh Avenue
Station H
Fairbanks, AK 99701
Phone: (907) 456-3084

Certified Mail
Return Receipt
Requested

January 8, 1986

Mr. Lyle Larson
City of Nome
P.O. Box 281
Nome, AK 99762

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Reasonable Assurance

Department of Natural Resources Tidelands Lease

RM Name

STATE OF ALASKA
DEPT. OF ENVIRONMENTAL CONSERVATION

BILL SHEFFIELD, GOVERNOR

(907) 452-1714

January 10, 1986

Northern Regional Office
Pouch 1801
Fairbanks, Alaska 99707

01 13 86

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

Mr. Lyle Larson, City Manager
City of Nome
P.O. Box 281
Nome, Alaska 99762

Dear Mr. Larson:

Re: Norton Sound 49, NPACO No. 071-0YB-2-850422

In accordance with Section 401 of the Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation is issuing the enclosed Certificate of Reasonable Assurance for the proposed placement of approximately 90,000 cubic yards of fill to construct a rock loading jetty, and place approximately 350,000 cubic yards of fill to relocate a portion of the Nome-Council Road. Approximately 40,000 cubic yards of small rock, sand and gravel, and 50,000 cubic yards of A-land B-1 armor rock would be used to construct the approximately 300 feet by 100 feet with 2:1 side slopes jetty.

This department action represents only one element of the overall project level coastal management consistency determination issued by the Office of Management and Budget under AS 44.19 and 6 AAC 50.070.

Department of Environmental Conservation regulations provide that any person who disagrees with any portion of this decision may request an adjudicator hearing in accordance with 13 AAC 15.200-310. The request should be mailed to the Commissioner of the Department of Environmental Conservation, Pouch C, Juneau, Alaska 99811, or delivered to his office at 3220 Hospital Drive, Juneau. Failure to file a statement of issues within thirty days of receipt of this letter shall constitute a waiver of your right to judicial review of this decision.

By copy of this letter we are advising the Army Corps of Engineers and the Division of Governmental Coordination of our actions and enclosing a copy of the certification for their use.

Sincerely,

Douglas L. Lowery

Douglas L. Lowery
Regional Environmental Supervisor

Enclosure: Certificate of Reasonable Assurance
cc: Corps of Engineer
EPA, AOO
ADL, Fairbanks

F&WS
ADEC, Juneau
OHE/CCU, Fairbanks

T

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CERTIFICATE OF REASONABLE ASSURANCE

A Certificate of Reasonable Assurance, as required by Section 401 of the Clean Water Act, has been requested by the City of Nome, P.O. Box 231, Nome, Alaska 99762 for the proposed placement of approximately 90,000 cubic yards of fill to construct a rock loading jetty, and place approximately 350,000 cubic yards of fill to relocate a portion of the Nome-Council Road. Approximately 40,000 cubic yards of small rock, sand and gravel, and 50,000 cubic yards of A-lan D-1 armor rock would be used to construct the approximately 300 feet by 100 feet with 2:1 side slopes jetty. The road alignment fill would consist of quarry spalls and armor rock. The dimensions of the relocated portion of the road would be approximately 4,500 feet long and 30 feet wide shoulder to shoulder. Approximately 9,500 cubic yards of material would be dredged from the jetty area to provide greater stability at the toe of the slopes before placing the fill and armor rock. The dredged material would be used as fill in the jetty. The 40,000 cubic yards of fill for the jetty would be placed by dump truck and leveled and compacted by dozer. The 50,000 cubic yards of rock would be placed by a crane with rock tongs or steel nets depending on the size of the stone. All road work would be constructed according to the Alaska Department of Transportation and Public Facilities specifications.

The proposed activity is located at Cape Nome, Alaska, Section 22, T.12S. R.22E., Kateel River Meridian.

Public Notice of the application for this certification has been made in accordance with 15 AAC-15.100.

Water Quality Certification is required for the proposed activity because the activity will be authorized by a Department of the Army Permit identified as Norton Sound 49, SPACO 071-04D-2-650422 and a discharge may result from the proposed activity.

Having reviewed the application and comments received in response to the public notice, the Alaska Department of Environmental Conservation certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result, is in compliance with the requirements of Section 401 of the Clean Water Act which includes the Alaska Water Quality Standards, 15 AAC 70, and the Standards of the Alaska Coastal Management Program, 6 AAC 30.

Date: January 10, 1986

Douglas L. Lowery
Douglas L. Lowery
Regional Environmental Supervisor

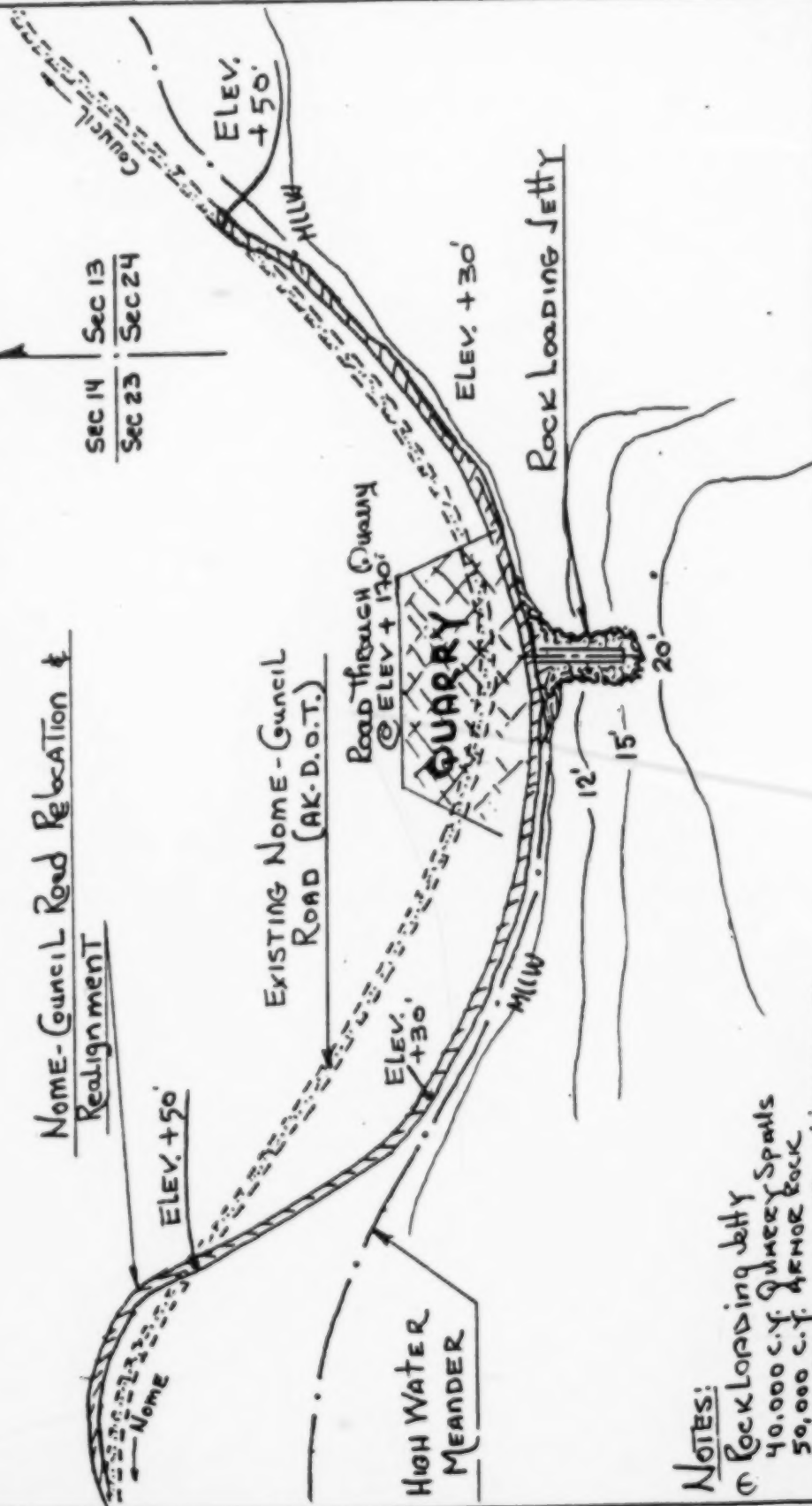


CAPE NOME ROCK LOADING JETTY
WITH ACCESS ROAD AND ROAD REALIGNMENT

64° 26' N X 165° 00' W
SECTION 23, T12S, R32W K.R.M.
MILE 13.9 to MILE 15.5 NOME COUNCIL
ROAD
(DIST. MEASURED FROM NOME)

PORT OF NOME CITY OF NOME	
CAPE NOME ROCK LOADING JETTY	
LOCATION MAP	SCALE: AS SHOWN
	DATE: AUG '85
	FIGURE NO.: 10(0)11

Nome-Guncivil Road Relocation & Realignment



Notes:

- 1) Rock Loading Jetty
40,000 c.y. Quarry Spalls
50,000 c.y. Armor Rock
- 2) Road Relocation/Realignment
350,000 c.y. Quarry Spalls & armor protection
- 3) All material end dumped, large armor rock placed by crane.
- 4) All road work to AK.D.O.T. Specs.
- 5) Elevations in feet relative to MLLW.
- 6) Avg. Tides -.5' to +1.9'

PORT OF NOME
CITY OF NOME

CAPE NOME ROCK LOADING JETTY
AND ROAD REALIGNMENT

SCALE 1:60 Date: Aug 1985

11. Cape Nome, Alaska
(Permit modification)

a. Disclaimer No disclaimer requested

b. Corps Permit 11/24/86
modification

Regulatory Branch
Permit Processing Section

PERMITTEE: City of Nome

EFFECTIVE DATE: 04 NOV 1986

EXPIRATION DATE:

REFERENCE NO. M-850422
Norton Sound 49

DEPARTMENT OF THE ARMY
PERMIT MODIFICATION

Department of the Army permit No. 2-850422, Norton Sound 49, was issued to the city of Nome, Post Office Box 281, Nome, Alaska 99762 on May 21, 1986, to:

"dredge approximately 9,200 cubic yards (cy) of material and place approximately 440,000 cy of dredged and fill material to construct a rock loading jetty and realign a portion of the Nome-Council Road. The 9,200 cy would be dredged to provide stability at the toe of the slope and redeposited within the jetty. A total of 40,000 cy of small rock, sand and gravel and 50,000 cy of A-1 and B-1 armor rock will be used to construct the 300'x100' jetty with 2:1 side slopes. Another 350,000 cy of quarry spalls and armor rock will be placed to realign approximately 8,500' of the roadway having a crown width of 30'."

The permit is hereby modified as follows:

"dredge approximately 9,200 cubic yards (cy) of material and place a total of approximately 564,000 cy of dredged and fill material to construct a rock loading jetty and realign a portion of the Nome-Council Road. The 9,200 cy would be dredged to provide stability at the toe of the slope and redeposited within the jetty. A total of 140,000 cy of small rock, sand and gravel and 74,000 cy of A-1 and B-1 armor rock will be used to construct a 600'x100' jetty with 2:1 side slopes, a 700'x300' storage pad east of the jetty, and approximately 110' of HP-53 piling to form a larger crane pad and tie-back wall. Three hundred and fifty thousand cubic yards of quarry spalls and armor rock will be placed to realign approximately 8,500' of the roadway having a crown width of 30'."

All other terms and conditions of the original permit remain in full force and effect.

This authorization and the enclosed modified plans should be attached to the original permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

SIGNED

Norman L. Sanders
Northern Team Leader
Permit Processing Section
Regulatory Branch

Enclosure

✓
CA 11/3
Akers/orq/3-27
5403C/3 Nov 86

Al Ott, Regional Supervisor, Region III
Habitat Protection Section
Alaska Department of Fish & Game
1300 College Road
Fairbanks, Alaska 99701

Tony Booth, Acting Field Supervisor
Northern Alaska Ecological Services
U.S. Fish and Wildlife Service
Room 222, Federal Building, Box 20
101 - 12th Avenue
Fairbanks, Alaska 99701-6267

Doug Lowery, Regional Environmental Supervisor
Alaska Department of Environmental
Conservation
Post Office Box 1601
Fairbanks, Alaska 99707

Jan Sorice, Regional Coordinator
Office of Management and Budget
Division of Governmental Coordination
675 7th Avenue, Station H
Fairbanks, Alaska 99701

Mr. Rich Sumner
Alaska Operations Office
Environmental Protection Agency
701 C Street, Box 19
Anchorage, Alaska 99513

Ronald J. Morris, Western Alaska Ecological Supervisor
National Marine Fisheries Service
Federal Building, U.S. Court House
701 C Street, Box 43
Anchorage, Alaska 99503

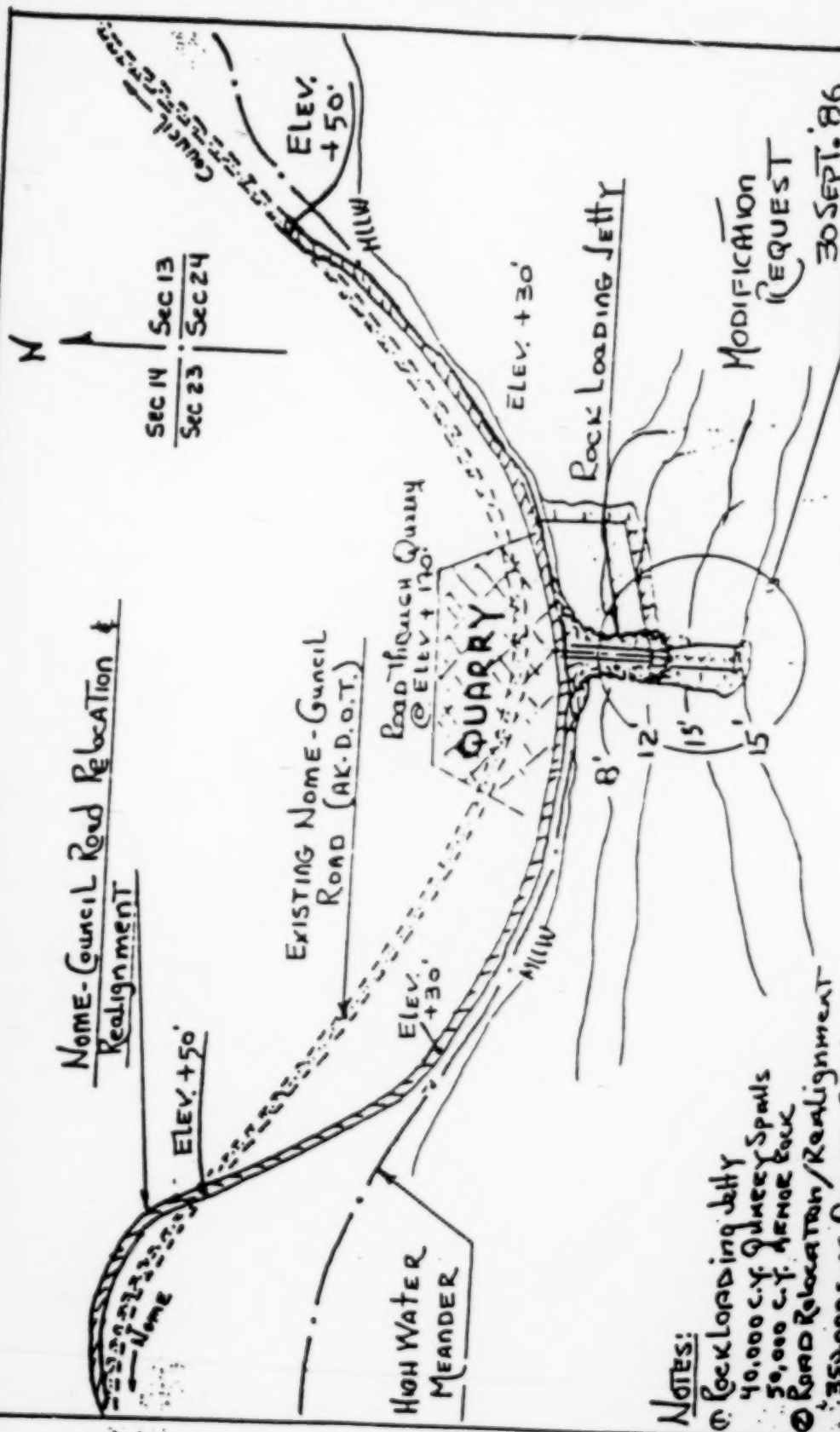
Mr. Jerry Brossia
Alaska Department of Natural Resources
Division of Land and Water Management
North Central District
4420 Airport Way
Fairbanks, Alaska 99709

Mr. Doug Sims
Division of Community Planning
Fairbanks North Star Borough
Post Office Box 1267
Fairbanks, Alaska 99707

Mr. Theodore F. Meyers
Environmental Assessment Division
National Marine Fisheries Service
Post Office Box 1668
Juneau, Alaska 99802

1300 College
Alaska Department of Fish & Game
Habitat Protection Section
Alaska Regional Supervisor, Region III

NOME-GUNCIL ROAD RELOCATION & REALIGNMENT



NOTES:

1. Rock Loading Jetty
40,000 c.y. Quarry Spalls
50,000 c.y. HEMLOCK ROCK
2. Road Relocation/Realignment
350,000 c.y. Quarry Spalls &
HEMLOCK ROCK
3. ALL MATERIAL END DUMPED,
LARGE HEMLOCK ROCK PLACED BY CRANE
4. ALL ROAD WORK TO AK. D.O.T. SPECS.
5. ELEVATIONS IN FEET RELATIVE TO MLLW.
6. Ave. Tides -5' to +1.9'

PORT OF NOME
CITY OF NOME
CAPE NOME ROCK LOADING JETTY AND ROAD REALIGNMENT
SCALE 1:60 Date: Aug 1985
SHEET 1 of 6

12. Pea Island, North Carolina

a. Disclaimer 06/28/89

b. Corps Permit 06/22/89

84-211
Permit No.

jw

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
P.O. BOX 25201
RALEIGH 27611-5201

JAMES G. MARTIN
GOVERNOR

DIVISION OF HIGHWAYS

JAMES E. HARRINGTON
SECRETARY

GEORGE E. WELLS, P.E.
STATE HIGHWAY ADMINISTRATOR

June 28, 1989

District Engineer
U.S. Army Corps of Engineers
P.O. Box 1890
Wilmington, North Carolina 28402

ATTN: Regulatory Branch

Dear Sir:

We are in receipt of your May 17, 1989 letter regarding proposed work on the Oregon Inlet groin, revetment and access channel, and potential effects on the shoreline. The North Carolina Department of Transportation recognizes that planned improvements may modify the seaward boundary at the northern end of Pea Island and hereby agrees to a disclaimer that work will not affect the delineation of the coastline.

Sincerely,

A handwritten signature in cursive script, likely belonging to L. R. Goode.

L. R. Goode, PhD, PE
Manager, Program & Policy Branch

LRG/GRM/slg
cc: Mr. Paul B. Smyth, USDI

DEPARTMENT OF THE ARMY PERMIT

Permittee North Carolina Department of TransportationPermit No. CESAW-CO-89-N-028-0271Issuing Office CESAW-CO-EP

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To construct a revetment and terminal groin, including excavation of a work channel, on the Atlantic Ocean, Oregon Inlet, at the north end of Pea Island

Project Location:

Dare County, North Carolina

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 1992. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See attached sheet.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 108 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1418).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or use thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or use thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- a. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 329.7 or enforcement procedures such as those contained in 33 CFR 329.4 and 329.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 208.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

North Carolina Department of Transportation

J. E. Blair
(PERMITTEE)

6/22/89
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Paul W. Woodbury
(DISTRICT ENGINEER)

PAUL W. WOODBURY

6/22/89
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

SPECIAL CONDITIONS

a. The revetment/groin material will be clean and free of any pollutants except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.

b. Revetment/groin material will be of such size so as to not be washed away by tide or wave action.

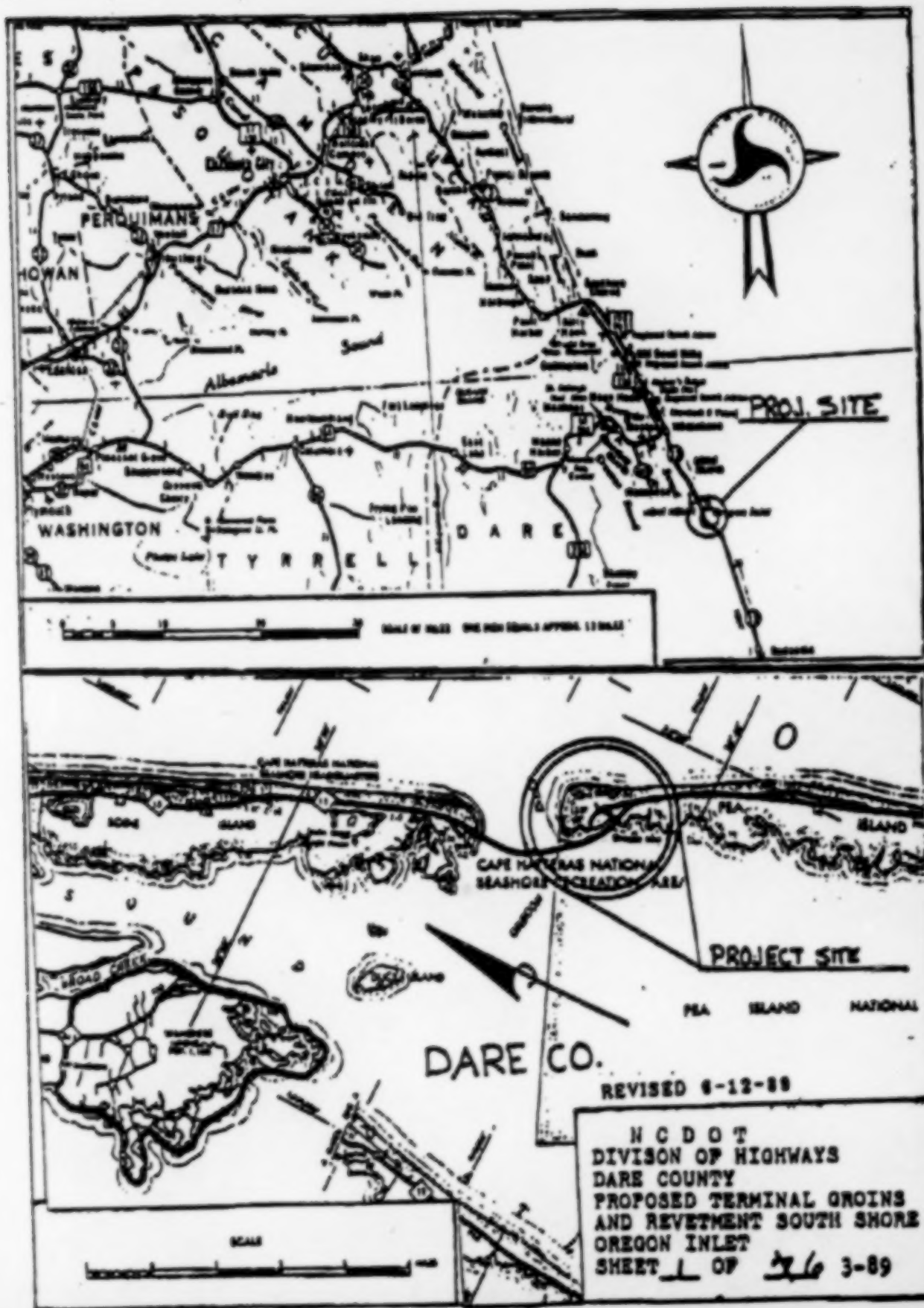
c. Excavation will not exceed 13 feet (+ 2 feet) below the elevation of mean low water (MLW).

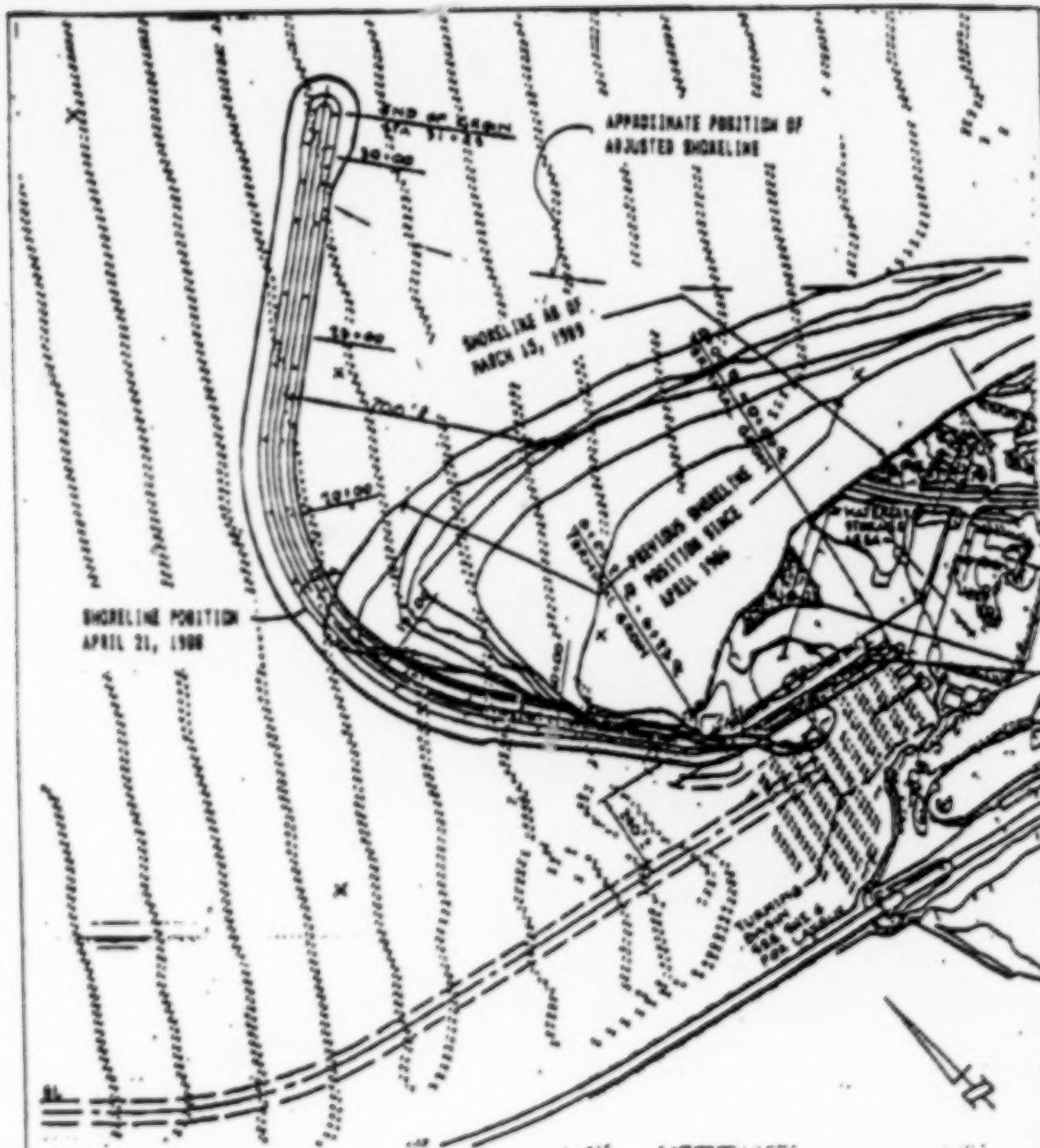
d. The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity of 25 NTU's or less will not be considered significant.

e. The National Ocean Survey (NOS) has been notified of this authorization. The permittee must notify NOS and the Wilmington District Engineer upon completion of the authorized work. The notification of completion will include a drawing which certifies the location and configuration of the completed work (a certified permit drawing may be used). Notification to NOS will be sent to the following address: Director, National Ocean Survey (H/CG 222), Rockville, Maryland 20852.

f. Should previously unknown historic or archeological resources be discovered while accomplishing the authorized work, the permittee will immediately notify the Wilmington District Engineer who will initiate the required coordination pursuant to Section 106 of the National Historic Preservation Act of 1966.

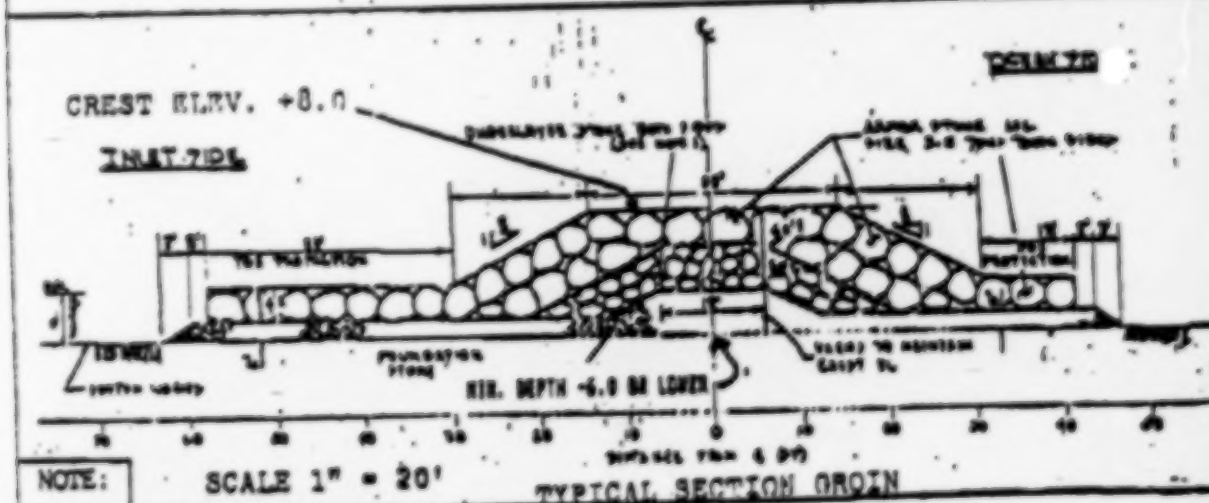
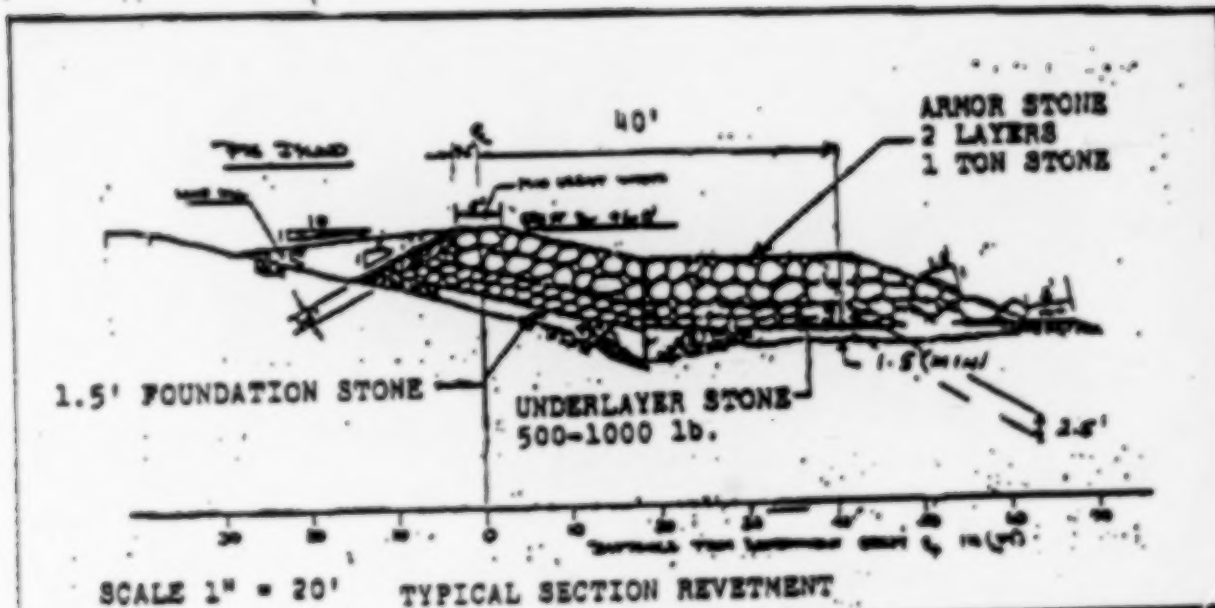
Note: It is hereby acknowledged that the N.C. Department of Transportation has been permitted by the U.S. Department of the Interior, pursuant to 50 CFR 29.21, to use and occupy lands and waters of the Pea Island National Wildlife Refuge for the purpose of accomplishing the work authorized by this Department of the Army permit. Also, this "Special Use" permit is considered to represent the overall views of the U.S. Department of the Interior with respect to the Fish and Wildlife Coordination Act and the Endangered Species Act.





REVISED 6-12-89

N.C.D.O.T.
DIVISION OF HIGHWAYS
DARE COUNTY
PROPOSED TERMINAL GROINS
AND REVETMENT SOUTH SHORE
OREGON INLET
SHEET 2 OF 76 3-89



NOTE: Dimension and stone size are approximate and subject to revision during design detailing.

NOTES:

1. Optional underlayer stone can be 500 to 1000 lb. dense stone with S.G. +/- 2.58 or marine limestone 350 to 650 lbs. with S.G. +/- 1.85
2. Foundation stone can be quarry run dense stone or marine limestone—see specs for gradation.
3. Underlayer stone for revetment section can be 4 to 365 lbs. dense stone with S.G. +/- 2.58 or marine limestone 30 to 265 lbs. with S.G. +/- 1.85

NOTES:

1. Optional Underlayer stone can be 500 to 1000 lb. dense stone with S.G. +/- 2.58 with S.G.

NOTE:

See Sheet 4 of 7 for quantities.

REVISED 8-12-89

N.C.D.O.T.
DIVISION OF HIGHWAYS
DARE COUNTY
PROPOSED TERMINAL GROINS
AND REVETMENT SOUTH SHORE
OREGON INLET
SHEET 3 OF 67 3-89

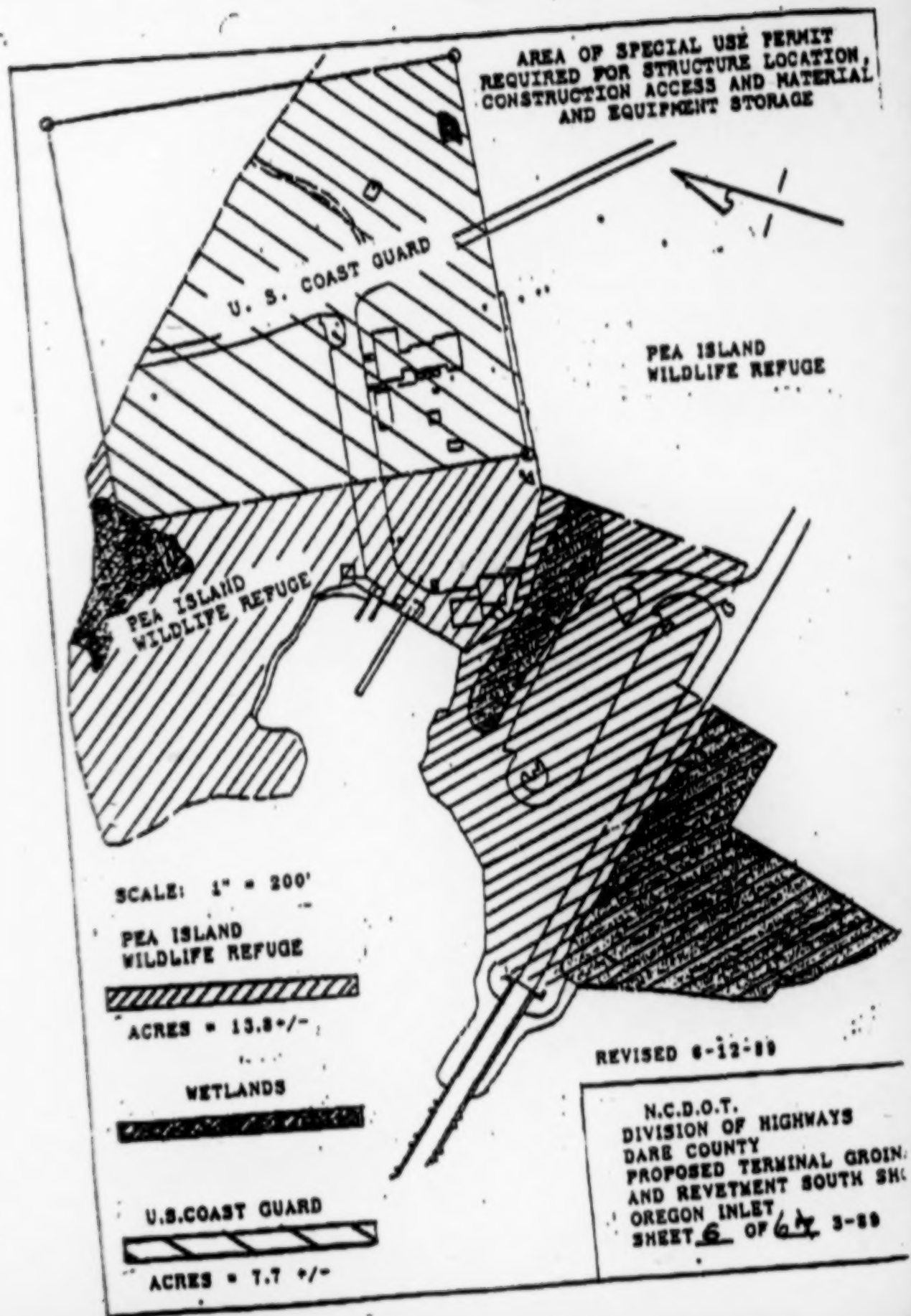
APPROXIMATE ESTIMATE OF MATERIAL QUANTITIES
TERMINAL GROIN AND REVETMENT AT THE
NORTH END OF PEA ISLAND

TYPE OF MATERIAL	QUANTITY
1 Ton Granitic Armor Stone	4,100 tons
3.5 Ton Granitic Armor Stone	36,900 tons
9.0 Ton Granitic Armor Stone	72,900 tons
145 lb. Marine Limestone Underlayer	3,800 tons
800 lb. Marine Limestone Underlayer	11,000 tons
1500 lb. Marine Limestone Underlayer	15,800 tons
Foundation Stone	62,300 tons
Excavation and Fill	75,000 cu. yds.

Marine Limestone is optional, can be replaced by comparable size (ie linear dimensions) granitic stone.

REVISED 6-12-89

H C D O T
DIVISION OF HIGHWAYS
DARE COUNTY
PROPOSED TERMINAL GROINS
AND REVETMENT SOUTH SHORE
OREGON INLET
SHEET 4 OF 64 3-89



13. Pt. McIntyre, Alaska

a. Disclaimer 06/19/90

b. Corps Permit Not retrieved from files or
archives in time for lodging

DISCLAIMER

WHEREAS, ARCO Alaska, Incorporated, has applied to the United States Army Corps of Engineers for a permit to place gravel in waters of the U.S. in connection with development of the Point McIntyre oil reservoir;

WHEREAS, the project for which ARCO is seeking the Corps of Engineers permit is fundamental to development of the Point McIntyre oil reservoir;

WHEREAS, both statewide and nationwide benefits will be derived from the proposed Point McIntyre development project through increased employment, increased revenues generated, increased domestic production of petroleum, and enhanced economic opportunities in the U.S.;

WHEREAS, under the Submerged Lands Act, 43 U.S.C. §§ 1301 et seq., gravel placement in waters of the U.S. as a result of the Point McIntyre project might affect the location of the coast line and boundary of the State of Alaska, including the offshore boundary between the outer continental shelf and state-owned lands beneath navigable water;

WHEREAS, under 33 C.F.R. § 320.4(f), the Corps of Engineers is required to consult with the United States Attorney General and the Solicitor of the Department of the Interior if a project for which a permit is sought might affect the coast line;

WHEREAS, the Corps of Engineers has consulted the Attorney General and the Solicitor pursuant to 33 C.F.R. § 320.4(f);

WHEREAS, the Corps of Engineers has been requested by the Attorney General and the Solicitor to withhold approval of ARCO's permit application because of the potential effect on Alaska's coast line;

WHEREAS, the Corps of Engineers has determined that it will not issue such a permit over the Attorney General's and the Solicitor's objections on this ground;

WHEREAS, the Attorney General's and the Solicitor's objections to the permit application on this ground would be removed if a binding disclaimer is entered by the State of Alaska to the effect that Alaska does not, and will not, treat gravel placed in connection with the Point McIntyre project as extending its coast line for purposes of the Submerged Lands Act;

WHEREAS, the Alaska Attorney General, in a formal opinion dated October 29, 1980, concluded that the Alaska Commissioner of Natural Resources has the power to issue such a disclaimer;

WHEREAS, Alaska would enter such a disclaimer without objections if the Corps of Engineers has the legal authority to require the state to enter such a disclaimer before issuing such a permit;

WHEREAS, Alaska and the United States disagree as to whether the Corps of Engineers has the legal authority to require the state to enter such a disclaimer before issuing such a permit;

WHEREAS, Alaska would not enter such a disclaimer but for the Corps of Engineers' determination that it will not issue the permit unless such a disclaimer is entered, thereby removing the Attorney General's and the Solicitor's objections to issuance of the permit;

WHEREAS, it is neither in the United States' interest nor in Alaska's interest to delay the Point McIntyre development project while the question of the Corps of Engineers' legal authority to require such a disclaimer is resolved;

WHEREAS, this disclaimer is entered without prejudice to Alaska's right to file an appropriate action to determine whether the Corps of Engineers has the legal authority to require such a disclaimer prior to issuing such a permit;

WHEREAS, this disclaimer is fully effective and binding upon the State of Alaska, but becomes ineffective and without force and effect upon a final determination by a court of competent jurisdiction that the Corps of Engineers does not have the legal authority to require such a disclaimer prior to issuing such a permit; and

WHEREAS, it is the intent of both the United States and Alaska that this disclaimer remove the Attorney General's and the Solicitor's objections to issuance of the permit to place gravel in waters of the U.S. in connection with development of the Point McIntyre oil reservoir, thereby allowing the project to proceed, while at the same time preserving both the United States' legitimate interest is not having Alaska's coast line extended if the Corps of Engineers has the legal authority to require such a disclaimer prior to issuing such a permit and Alaska's interest in not being bound by such a disclaimer if the Corps of Engineers does not have such legal authority;

THEREFORE, The State of Alaska, acting by and through the Commissioner of Natural Resources, pursuant to the authority granted to the commissioner by art. VIII, sec. 1 of the Alaska Constitution, AS 38.05.020(b), AS 38.05.027(a), and AS 38.05.035(a)(14), declares and agrees as follows:

1. Subject to paragraph 4 below, the State of Alaska agrees that the coast line and the boundaries of the State of Alaska are not to be deemed to be in any way affected by the placement of gravel in the waters of the U.S. in connection with development of the Point McIntyre oil reservoir. This document should be construed as a binding disclaimer by the State of Alaska to the effect that the state does not, and will not, treat the Point McIntyre project as extending its coast line for purposes of the Submerged Lands Act, again subject to paragraph 4 below.

2. This disclaimer is executed solely for the purpose of complying with the conditions recommended by the Solicitor of the Department of the Interior and the Attorney General and maintains the status quo of the baseline and the state-federal boundary. It does not affect property or claims to which Alaska is now entitled. It is not an admission by the State of Alaska or by the United States as to the present location of the shore line, coast line, or the boundaries of the State of Alaska, and is without prejudice to any contention that any party may now or hereafter make regarding such present location.

14. Collier County, Florida

a. Disclaimer 07/13/90

b. Corps Permit 04/05/90

STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building • 3900 Commonwealth Boulevard • Tallahassee, Florida 32399
Tom Gardner, Executive Director

July 13, 1990

Mr. Osvaldo Collazo
Regulatory Division, South Permits Branch
Jacksonville District Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232

RE: COE Permit No. 88-20290
Marco Island Renourishment Project
Collier County, Florida

Dear Mr. Collazo:

I have been requested by Mr. Ken Humiston, Coastal Engineering Consultants, Inc., to respond to you regarding Special Condition (i), page 3, of the above referenced permit. This condition requires the permittee, Collier County, to obtain a disclaimer from the State of Florida agreeing that the proposed renourishment project will not affect the delimitation of the coastline.

In the case of United States v. Florida, 425 U.S. 791, 96 S.Ct. 1840, 48 L.Ed.2d 388 (1976), the United States Supreme Court entered a decree establishing the boundaries of the State of Florida for the purpose of the Submerged Lands Act, 43 U.S.C. §1313. The decision also gave effect to the Supplemental Report of the Special Master filed January 26, 1976, which contains an agreement between the United States and the State of Florida that certain charts to be constructed from a joint state/federal mapping project then being conducted would accurately depict Florida's 1868 coastline. Apparently, no field location of this coastline has yet been determined and agreed to by the parties.

At the January 23, 1990, meeting of Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the concerns of the Department of the Interior regarding the potential impact of beach renourishment projects on Florida's coastline for purposes of the Submerged Lands Act were addressed, and the Board of Trustees was advised by staff that a memorandum of agreement would be developed and presented at a later meeting. A copy of the approved agenda item is enclosed.



Administration	Beaches and Shores	Law Enforcement	Marine Resources	Recreation and Parks	Resource Management	State Lands
Bob Martinez Governor	Jim Smith Secretary of State	Bob Butterworth Attorney General	Gerald Lewis State Comptroller	Tom Gallagher State Treasurer	Dwyle Conner Commissioner of Agriculture	Betty Caston Commissioner of Education

Mr. Osvaldo Collazo
July 13, 1990
Page Two

Although a formal document implementing the 1976 agreement between the United States and the State of Florida has not yet been prepared, I can assure you that it is neither the intent nor within the power of the State of Florida to extend its seaward boundaries through beach nourishment projects such as the Marco Island project, and I, on behalf of the Board of Trustees of the Internal Improvement Trust Fund, hereby agree that the work proposed to be performed by Collier County under the above-referenced permit shall in no way be construed or used to alter or affect the delimitation of Florida's coastline for purposes of 43 U.S.C. §1313, the Submerged Lands Act. Moreover, I have been assured by Mr. Humiston that surveys of the prefill mean high water and mean low water lines have been prepared by or at the direction of Coastal Engineering Consultants, Inc., for the project area and will be made available to the United States in the event a question arises as to the location of the coastline prior to the beach nourishment project.

I would appreciate it very much if the Corps of Engineers will consider this letter as complying with Special Condition (i), page 3 of Permit 88-20290 and allow Collier County to proceed with the beach nourishment project.

Sincerely yours,

Eugene E. McClellan, Jr.
Eugene E. McClellan, Jr.
Assistant General Counsel

EEM/csr
Enclosure
cc: Ken Humiston
Ken Plante

.....
Item 23 Collier County Board of County Commissioners Erosion Control Line

Upon motion by Mr. Lewis, seconded by Mr. Butterworth, and without objection, the following item was approved.

REQUEST: The establishment of an erosion control line.

COUNTY: Collier

APPLICANT: Collier County Board of County Commissioners

LOCATION: The line of mean high water of the Gulf of Mexico in Sections 6, 7, 18 and 19, Township 52 South, Range 26 East, known as Marco Island.

CONSIDERATION: N/A

STAFF REMARKS: Procedures required by chapter 161, F.S., have been followed and a public hearing on behalf of the Board of Trustees was held pursuant to notices published in accordance with the law.

The hearing officer's report reflects the existence of conditions justifying the establishment of an erosion control line for pursuing a necessary program of beach nourishment to that area of beach spanned by the line.

Historically, the Board of Trustees have waived the fee for state-owned material necessary for beach nourishment projects placed landward of the proposed erosion control line.

Recently the U. S. Department of Interior has registered concerns that the addition of beach nourishment to Florida's beaches may alter the state's territorial limits by moving the boundary seaward and this change in the boundary could thereby infringe on the federal government's claim of ownership seaward of the existing territorial limit. The establishment of the erosion control line is based on the condition of erosion control.

DEPARTMENT OF THE ARMY PERMIT

Permittee: COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS

Permit Number: 88IPC-20290 (DUPLICATE)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The project is to conduct long term (15 year) periodic renourishment of 2.6 miles of beach on Marco Island by initially dredging 1.18 million cubic yards of material from two borrow areas in Big Marco Pass and one borrow area in Caxambas Pass and pumping the material to the beach as shown in the permit drawings. This project also includes the construction of three offshore breakwaters and two terminal groins at the south end of Marco Island.

The work described above is shown on the attached plans numbered 88IPC-20290 in 28 sheets; dated Feb 1990.

Project Location: Gulf of Mexico, Marco Pass to Caxambas Pass, Sections 6 and 7, Township 52 South, Range 26 East, Marco Island, Collier County, Florida.

Permit Conditions:

General Conditions:

- APR 05 95
1. The time limit for completing the work authorized ends on APR 05 95. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state

coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a. The permittee agrees that the contractor will instruct all personnel associated with construction of the facility of the presence of manatees and the need to avoid collisions with manatees. (PI)

b. The permittee agrees that all construction personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Endangered Species Act of 1973 and the Marine Mammal Protection Act of 1972. The permittee and/or contractor will be held responsible for any manatee harmed, harassed, or killed as a result of construction of the project. (PI)

c. The permittee agrees that during construction, any collision with a manatee shall be reported immediately on the manatee "hotline" (1-800-342-1821) and to the U.S. Fish and Wildlife Service, Jacksonville Endangered Species Field Station (904-791-2580). (PI)

d. The permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injury to manatees which have occurred during the contract period. (PI)

e. The permittee agrees that following project completion, a report summarizing the above incidents and sightings will be submitted to the Chief, Regulatory Division, Jacksonville District, Corps of Engineers (Post Office Box 4970, Jacksonville, Florida 32232-0019) and to the U.S. Fish and Wildlife Service (P.O. Box 2676, Vero Beach, Florida 32961-2676). (PI)

f. The permittee agrees that all vessels associated with the project construction will operate at "no-wake" speeds at all times while in water where the draft of the vessel provides less than a 3-foot clearance from the bottom and that vessels will follow routes of deep water to the extent possible. (PI)

g. That the permittee agrees to conduct a sea turtle nest relocation program along the affected beach employing a qualified contractor under a valid permit from Florida DNR. The beach will be surveyed daily at daybreak between April 1 and

September 15; or beginning 65 days prior to beginning construction or moving equipment to the beach. Nests laid in the affected area will be relocated to a beach hatchery. Hatching success will be monitored. A final report summarizing the results of the nest relocation program, including any problems or data needs, will be submitted at the project conclusion to the U.S. Fish and Wildlife Service (P.O. Box 2676, Vero Beach, Florida 32961-2676). (PI)

h. The permittee agrees to till the renourished beach to depth of 36 inches if the compaction rate exceeds 500 psi as measured by a penetrometer. (PI)

i. The permittee agrees that prior to initiating any work they must obtain a disclaimer from the State of Florida agreeing that the proposed work will not affect the delimitation of the coastline. (PI)

j. The permittee agrees to avoid any dredge work in a portion of borrow area 3, as indicated on drawing 28 of 28, and in borrow area 4, to avoid disturbance of anomalies. If avoidance of these borrow areas is not feasible, the anomalies must be ground-truthed and assessed as to their archaeological significance. The resultant report must be forwarded to the Florida Department of State, Division of Historical Resources, R.A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250. (LR)

k. The permittee agrees to update us at the time the State Department of Environmental Regulation makes its periodic 5-year review of the maintenance project. (PI)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government

does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Max A. Hasse, Jr.
(PERMITTEE) Max A. Hasse, Jr., Chairman
Board of County Commissioners

3/20/90
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Bruce A. Malson
(DISTRICT ENGINEER)
Bruce A. Malson
Colonel, U.S. Army

APR. 05 1990
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

*ATTEST: (as to signature of Max A. Hasse, Jr.)

James E. Giles, Clerk of Courts
James E. Giles, Clerk of Courts

Approved as to form & legal sufficiency

David C. Davis
HSS County Attorney

MARCO ISLAND BEACH RESTORATION

RECEIVED
BUD. OF CORAL
FEB 06 1993

PREPARED FOR
COLLIER COUNTY BOARD OF COMMISSIONERS

LEGEND

- XX EXISTING ELEVATION (N.G.V.D. 1929)
- △ CHAIKEL MARKER
- D "T&R" D.N.R. MONUMENTS
- PRM PERMANENT REFERENCE MARKER
- XX SOIL BORINGS
- CCCL COASTAL CONSTRUCTION CONTROL LINE
- AQUATIC PRESERVE LINE
- TOPO PROFILE LINE
- APPROXIMATE MEAN HIGH WATER LINE



LOCATION MAP

INDEX

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| 2 | KEY PLAN |
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| 4 | MASTER DESIGN PLAN |
| 5 | BIG MARCO AREA BORROW |
| 6 | NORTH BEACH FILL |
| 7 | CENTRAL BEACH FILL |
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REVISIONS

NO.	DATE	DESCRIPTION	AUTH.

PERMIT NO. 111460389

PREPARED BY
COASTAL ENGINEERING CONSULTANTS, INC.
CONSULTING & CIVIL ENGINEERS • PLANNERS • SURVEYORS • DESIGNERS
3106 S. HONOLULU DRIVE
HAWAII, FLORIDA 33942
OCTOBER 1987

PROJECT No. B7004
FILE No. B7004
SHEET 1 OF 2328
88IFC-20290
Feb 1990

15. Folly Beach, South Carolina

a. Disclaimer 07/19/91

b. Corps Permit Not required for project
done by Army Corps

AGREEMENT

WHEREAS, by virtue of its sovereignty the State of South Carolina is the owner of certain tidelands and submerged lands within the State;

WHEREAS, by virtue of South Carolina Code Section 1-11-70, the State Budget and Control Board is authorized to control and direct all vacant lands owned by the State of South Carolina;

WHEREAS, the United States Congress in Public Law 99-662, Title V, Sec. 501(a), has authorized a project for shoreline protection on Folly Beach, Charleston County, South Carolina;

WHEREAS, the shoreline protection project at Folly Beach may affect the three-mile offshore ownership boundary of the State separating outer continental shelf lands of the United States from tide- and submerged lands owned by the State of South Carolina;

WHEREAS, the United States Code in Title 43 U.S.C.A. Section 1312, Seaward Boundaries of States, provides as follows:

The seaward boundary of each original coastal State is hereby approved and confirmed as a

line three geographical miles distant from its coast line. . . .

WHEREAS, when constructed, the proposed shoreline protection project may temporarily increase the State's three-mile ownership boundary a few hundred feet seaward;

WHEREAS, therefore the United States has requested a waiver of any change in the boundary between State owned submerged lands and outer continental shelf lands of the United States, as a result of the proposed Folly Beach project for shoreline protection;

WHEREAS, Section 3-7-10 of the South Carolina Code provides as follows:

The State, the agencies of the State, the governing bodies of the counties and municipalities are authorized to adopt resolutions or ordinances of assurances required by the Secretary of the Army or the Chief of Engineers for the fulfillment of the required items of local cooperation as expressed in the appropriate acts of Congress of congressional documents upon a determination by the State, State agencies, governing bodies of the counties or municipalities that a project will accrue to the general or special benefit of the governing authority, may contract or otherwise commit itself to the United States to provide the necessary interest in lands and all existing structures on the lands, to make contributions of money or property in lieu of providing disposal areas for dredge materials, to hold the United States safe and harmless from damages done or caused to be done or for any claim or demand whatsoever for such damages suffered by or done to any property on

which work is being performed and to provide or satisfy any other items or conditions of local cooperation as required by the Secretary of the Army or in the congressional documents covering the particular project.

WHEREAS, the South Carolina Budget and Control Board approved at its regularly scheduled meeting on July 17, 1991 1991, a waiver of any extension of the State's three-mile limit as a result of the proposed Folly Beach shoreline protection project.

NOW, THEREFORE, by virtue of South Carolina Code Section 3-7-10, the State of South Carolina, by and through the State Budget and Control Board and with the approval of the Governor, waives any change to the three-mile limit as a result of the proposed Folly Beach shoreline protection project.

This Agreement is solely a waiver of the effect, if any, of the construction of the Folly Beach shoreline protection project as presented in the Folly Beach General Design Memorandum dated May 1991, on the three-mile limit of the State of South Carolina and is in no way an agreement as to the location of that boundary by either the State of South Carolina or the United States.

This Agreement is conditioned upon construction of the Folly Beach shoreline protection project and shall be null and void if, for any reason, said Folly Beach shoreline protection project is not constructed.

ACCEPTED:

UNITED STATES OF AMERICA

BY: 

MARK E. VINCENT
LTC, Corps of Engineers
Commanding

DATE: 7/6/91

STATE OF SOUTH CAROLINA

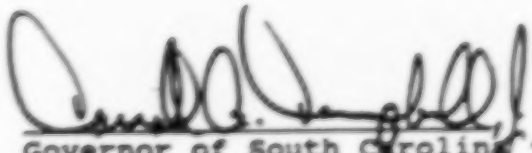
Acting by and through
State Budget and Control Board

BY: 

Dr. Jesse A. Coles
Executive Director

DATE: 7-18-91

IN APPROVAL WHEREOF, I, CARROLL CAMPBELL Governor of the State of South Carolina have set my hand and caused the Seal of the State of South Carolina, this 19th day of July 1991.


Governor of South Carolina

16. Wainwright, Alaska

a. Disclaimer 10/23/91

b. Corps Permit Pending

DISCLAIMER

WHEREAS, the North Slope Borough ("North Slope") has applied to the United States Army Corps of Engineers for a permit to dredge approximately offshore fill material from the seabed for discharge of the fill onto beach areas at Wainwright Alaska;

WHEREAS, the project for which the North Slope is seeking the Corps of Engineers' permit is necessary to prevent erosion of the coastal beaches in the areas;

WHEREAS, the State of Alaska believes that the project will benefit the public interest criteria under 33 C.F.R. § 320.4(a), and that the permit for the project should be issued by the Corps of Engineers;

WHEREAS, the Solicitor of the Department of the Interior requested "prior to any approval of the proposed construction," the Corps of Engineers obtain a disclaimer from Alaska agreeing that the proposed work will not affect the delimitation of the coastline (see attached letter dated June 21, 1991);

WHEREAS, based on the letter from the Office of the Solicitor, the Corps of Engineers also has requested such a disclaimer and stated the permit application will not be processed until the disclaimer is provided (see attached letter dated July 15, 1991);

WHEREAS, the State of Alaska does not believe that the replenishment of beach areas will affect the coastline;

WHEREAS, under 33 C.F.R. § 320.4(f), the Corps of Engineers is required to consult with the United States Attorney General and the Solicitor of the Department of Interior if a project for which a permit is sought might affect the coastline;

WHEREAS, the Corps of Engineers has determined that it will not process the application if the North Slope thereby prevents issuance of a permit because of the Solicitor's objections on this ground;

WHEREAS, the Solicitor's objections to the permit application would be removed if a disclaimer is entered by the State of Alaska to the effect that Alaska agrees the project will not affect "Alaska's coastline under the Submerged Lands Act 43 U.S.C. §§ 1301-1315 (see letter of Solicitor dated June 21, 1991);

WHEREAS, the Corps of Engineers' objection to the permit application would be removed if a disclaimer is whereby State of Alaska agrees that the proposed works would not affect the delimitation of the coastline, thereby affecting the territorial

sea;

WHEREAS, the Alaska Attorney General, in a formal opinion dated October 29, 1980, concluded that the Alaska Commissioner of Natural Resources has the power to issue such a disclaimer;

WHEREAS, Alaska would enter such a disclaimer without objection if the Corps of Engineers has the legal authority to require the state to enter such disclaimer before issuing such a permit;

WHEREAS, Alaska and the United States disagree as to whether the Corps of Engineers has the legal authority to require the state to enter such a disclaimer before issuing such a permit;

WHEREAS, the Corps of Engineers' authority to require such disclaimers is at issue in U.S. v. Alaska, No. 118, original in the U.S. Supreme Court, October 1991 term.

WHEREAS, Alaska would not enter such a disclaimer but for the Corps of Engineers' determination that it will not act on the application and issue the permit unless such a disclaimer is entered, thereby removing the Solicitor's objections to issuance of the permit;

WHEREAS, it is neither in the United States interest nor in Alaska's interest to delay the project while the question of the Corps of Engineers' legal authority to require such a disclaimer is being resolved;

WHEREAS, this disclaimer is entered without prejudice to Alaska's right to file an appropriate action to determine whether the Corps of Engineers has the legal authority to require such a disclaimer prior to issuing such a permit;

WHEREAS, this disclaimer is fully effective and binding upon the State of Alaska, but becomes ineffective and without force and effect upon a final determination by a court of competent jurisdiction that the Corps of Engineers does not have of the legal authority to require such a disclaimer prior to issuing the kind of permit; and

WHEREAS, it is the intent of both the United States and Alaska that this disclaimer's objections of the Corps of Engineers, the Solicitor of the Department of the Interior, and other agencies to issuance of the permit for replenishment project thereby allowing replenishment to proceed, while at the same time preserving both the United States' legitimate interest is not having Alaska's coast line extended if the Corps of Engineers has the legal authority require such a disclaimer prior to issuing such a permit and

Alaska's interest in not being bound by such a disclaimer if the Corps of Engineers does not have such legal authority;

THEREFORE, the State of Alaska, acting by and through the Commissioner of Natural Resources, pursuant to the authority granted to the commissioner by art. VIII, sec. 1 of the Alaska Constitution, AS 38.05.020(b), AS 38.05.027(a), AS 38.05.035(a)(14), and AS 38.05.0315(a), declares and agrees as follows:

1. Subject to paragraph 4 below, the State of Alaska agrees that the coast line and the boundaries of the State of Alaska are not to be deemed to be in any way affected by the replenishment projects at Wainwright denied by the North Slope Borough. This document should be construed as a binding disclaimer by the State of Alaska to the effect that the state does not, and will not, treat the replenishment extending its coast line for purposes of the Submerged Lands Act, again subject to paragraph 4 below.

2. This disclaimer is executed solely for the purpose of complying with the conditions recommended by the Solicitor of the Department of the Interior and the Corps of Engineers and maintains the status quo of the baseline and the state-federal boundary. It does not affect property or claims to which Alaska is now entitled. It is not an admission by the State of Alaska or by the United States as to the present location of the shoreline, coastline, or the boundaries of the State of Alaska, and is without prejudice to any contention that any party may now or hereafter make regarding such present location.

3. This disclaimer is entered without prejudice to Alaska's right to file an appropriate action leading to a determination whether the Corps of Engineers has the legal authority to require such a disclaimer before issuing a permit for a project which might affect the coast line.

4. This disclaimer becomes ineffective and without force and effect upon a final determination by a court of competent jurisdiction in any appropriate action, including U.S. v. Alaska, No. 118 original, that the Corps of Engineers does not have the legal authority to require such a disclaimer before issuing a permit for a project which might affect the coast line.

This disclaimer is dated this 23rd day of October, 1991 at Juneau Alaska.

STATE OF ALASKA

Harold C. Heinze
HAROLD HEINZE,
Commissioner
Department of Natural
Resources

Approved this 25th day of October, 1991 at Juneau, Alaska.

CHARLES E. COLE
ATTORNEY GENERAL

Deborah E. Behr
By:
Deborah Behr
Assistant Attorney General
and Regulations Attorney for Alaska

17. Barrow/Browerville, Alaska

a. Disclaimer 10-23-91

b. Corps Permit Pending

DISCLAIMER

WHEREAS, the North Slope Borough ("North Slope") has applied to the United States Army Corps of Engineers for a permit to dredge approximately offshore fill material from the seabed for discharge fill onto beach areas at Barrow and Browerville, Alaska;

WHEREAS, the project for which the North Slope is seeking the Corps of Engineers' permit is necessary to prevent erosion of the coastal beaches in the areas;

WHEREAS, the State of Alaska believes that the project will benefit the public interest criteria in 33 C.F.R. § 320.4(a), and that the permit for the project should be issued by the Corps of Engineers;

WHEREAS, The Corps of Engineers that, the Solicitor of the Department of the Interior requested "prior to any approval of the proposed construction," the Corps of Engineers obtain a disclaimer from Alaska agreeing that the proposed work will not affect the delimitation of the coastline (see attached letter dated June 21, 1991);

WHEREAS, based on the letter from the Office of the Solicitor, the Corps of Engineers also has requested such a disclaimer and stated the permit application will not be processed until the disclaimer provided (see attached letter dated July 15, 1991);

WHEREAS, under the Submerged Lands Act, 43 U.S.C. §§ 1301 et seq., construction of such a facility might affect the location of the coast line boundary of the State of Alaska, including the offshore boundary between the outer continental shelf and state owned lands beneath navigable water;

WHEREAS, under 33 C.F.R. § 320.4(f), the Corps of Engineers is required to consult with the United States Attorney General and the Solicitor of the Department of Interior if a project for which a permit is sought might affect the coast line;

WHEREAS, the Corps of Engineers has determined that it will not process the application if the North Slope thereby prevents issuance of a permit because of the Solicitor's objections on this ground;

WHEREAS, the Solicitor's objections to the permit application would be removed if a disclaimer is entered by the State of Alaska to the effect that Alaska agrees the project will not affect "Alaska's coastline under the Submerged Lands Act 43 U.S.C. §§ 1301-1315 (see letter of Solicitor dated June 21, 1991);

WHEREAS, the Corps of Engineers' objection to the permit application would be removed if a disclaimer is whereby State of Alaska agrees that the proposed works would not affect the delimitation of the coastline, thereby affecting the territorial sea;

WHEREAS, the Alaska Attorney General, in a formal opinion dated October 29, 1980, concluded that the Alaska Commissioner of Natural Resources has the power to issue such a disclaimer;

WHEREAS, Alaska would enter such a disclaimer without objection if the Corps of Engineers has the legal authority to require the state to enter such disclaimer before issuing such a permit;

WHEREAS, Alaska and the United States disagree as to whether the Corps of Engineers has the legal authority to require the state to enter such a disclaimer before issuing such a permit;

WHEREAS, the Corps of Engineers' authority to require such disclaimers is at issue in U.S. v. Alaska, No. 118, original in the U.S. Supreme Court, October 1991 term.

WHEREAS, Alaska would not enter such a disclaimer but for the Corps of Engineers' determination that it will not act on the application and issue the permit unless such a disclaimer is entered, thereby removing the Solicitor's objections to issuance of the permit;

WHEREAS, it is neither in the United States interest nor in Alaska's interest to delay the project while the question of the Corps of Engineers' legal authority to require such a disclaimer is being resolved;

WHEREAS, this disclaimer is entered without prejudice to Alaska's right to file an appropriate action to determine whether the Corps of Engineers has the legal authority to require such a disclaimer prior to issuing such a permit;

WHEREAS, this disclaimer is fully effective and binding upon the State of Alaska, but becomes ineffective and without force and effect upon a final determination by a court of competent jurisdiction that the Corps of Engineers does not have of the legal authority to require such a disclaimer prior to issuing the kind of permit; and

WHEREAS, it is the intent of both the United States and Alaska that this disclaimer's objections of the Corps of Engineers, the Solicitor of the Department of the Interior, and other agencies to issuance of the permit for replenishment project thereby allowing

replenishment to proceed, while at the same time preserving both the United States' legitimate interest is not having Alaska's coast line extended if the Corps of Engineers has the legal authority require such a disclaimer prior to issuing such a permit and Alaska's interest in not being bound by such a disclaimer if the Corps of Engineers does not have such legal authority;

THEREFORE, the State of Alaska, acting by and through the Commissioner of Natural Resources, pursuant to the authority granted to the commissioner by art. VIII, sec. 1 of the Alaska Constitution, AS 38.05.020(b), AS 38.05.027(a), AS 38.05.035(a)(14), and AS 38.05.0315(a), declares and agrees as follows:

1. Subject to paragraph 4 below, the State of Alaska agrees that the coast line and the boundaries of the State of Alaska are not to be deemed to be in any way affected by the replenishment projects at Barrow and Browerville denied by the North Slope Borough. This document should be construed as a binding disclaimer by the State of Alaska to the effect that the state does not, and will not, treat the replenishment extending its coast line for purposes of the Submerged Lands Act, again subject to paragraph 4 below.

2. This disclaimer is executed solely for the purpose of complying with the conditions recommended by the Solicitor of the Department of the Interior and the Corps of Engineers and maintains the status quo of the baseline and the state-federal boundary. It does not affect property or claims to which Alaska is now entitled. It is not an admission by the State of Alaska or by the United States as to the present location of the shoreline, coastline, or the boundaries of the State of Alaska, and is without prejudice to any contention that any party may now or hereafter make regarding such present location.

3. This disclaimer is entered without prejudice to Alaska's right to file an appropriate action leading to a determination whether the Corps of Engineers has the legal authority to require such a disclaimer before issuing a permit for a project which might affect the coast line.

4. This disclaimer becomes ineffective and without force and effect upon a final determination by a court of competent jurisdiction in any appropriate action, including U.S. v. Alaska, No. 118 original, that the Corps of Engineers does not have the legal authority to require such a disclaimer before issuing a permit for a project which might affect the coast line.

This disclaimer is dated this 23rd day of October, 1991 at Juneau Alaska.

STATE OF ALASKA

Harold C. Heinze
HAROLD HEINZE,
Commissioner
Department of Natural
Resources

Approved this 25th day of October, 1991 at Juneau, Alaska.

CHARLES E. COLE
ATTORNEY GENERAL

By:

Deborah Behr
Deborah Behr
Assistant Attorney General
and Regulations Attorney for Alaska